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**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR**

**BEFORE  
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR**

**ON THE 2<sup>nd</sup> OF JANUARY, 2024**

**MISC. CRIMINAL CASE No. 57060 of 2023**

**BETWEEN:-**

**RADHESHYAM S/O SHRI LALLURAM KALAWAT, AGED  
ABOUT 57 YEARS, OCCUPATION: AGRICULTURIST  
VILLAGE BARODLA POLICE STATION INDAR DISTRICT  
SHIVPURI M.P. (MADHYA PRADESH)**

**.....APPLICANT**

***(SHRI VIBHOR KUMAR SAHU, LEARNED COUNSEL FOR THE  
PETITIONER ),***

**AND**

**THE STATE OF MADHYA PRADESH INCHARGE POLICE  
STATION THROUGH POLICE STATION INDAR DISTRICT  
SHIVPURI (MADHYA PRADESH)**

**.....RESPONDENTS**

***(SHRI LOKENDRA SHRIVASTAVA, LEARNED PL),***  
.....

*This application coming on for HEARING this day, the court passed  
the following:*

**ORDER**

The first bail application has been filed by the applicant under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending his arrest in connection with Crime No.174/2023 registered at Police Station- Indar, District Shivpuri (M.P.) for the offence punishable under Sections 294, 323, 506, 427, 147, 148, 149 and enhanced Sections 325 and 326 of the IPC.

As per the case of prosecution, Hariram alongwith Jitendra, Rajkumar, Vijay Singh Yadav and Harpal Singh reported to PS Indar, District Shivpuri

that on 20/08/2023 around 1.00 in the afternoon, they were spraying insecticides in the agricultural field. He and his son Jitendra were passing through the field of Kailash to fetch water from near by water source. Kailash and Manoj started abusing them in filthy language for passing through their field. Kailash and Manoj assaulted them with kicks and fists. Manoj called his family members on phone. Hartoom Singh Kalawat, Radheshayam-applicant, Ramkuar, Naresh, Aakash and Dando Kalawat arrived on the spot. Meanwhile, Ramkumar, Vijay Singh and Harpal Yadav came to there rescue. All the accused started assaulting them with wooden sticks. Rajkumar assaulted Hariram with wooden stick. Naresh also assaulted Hariram with axe on right hand. Jitendra, Rajkumar, Harpal Singh and Vijay Singh sustained injuries. Accused fled away after threatening to kill them. When they reached to Police Station to report the matter, tractor of accused dashed on their Scorpio Vehicle. On such allegations, Police Station Indar, District Shivpuri registered Crime No. 174/2023 for the offence punishable under Sections 294, 323, 506, 427, 147, 148, 149 of the IPC against Kailash, Manoj, Hartoom Singh, Radheshayam Kalawat-applicant, Ramkumar Kalawat, Naresh Kalawat, Aakash Kalawat and Dando Kalawat. Injured were forwarded for medico legal examination. In x-ray examination, 5th meta tarcal on left foot of Jitendra was found fractured and fracture of distal index finger of Hariram was also found. Prosecution for the offence punishable under Sections 325 and 326 of the IPC were added. Statements of the witnesses under Section 161 of the Cr.P.C were recorded. The witnesses have made general allegations regarding involvement of applicant. Investigation is underway.

Learned counsel for the applicant, in addition to the grounds mentioned

in the application, submits that applicant has falsely been implicated in the matter for the reason of previous enmity over land dispute. Minor altercation on passing through the agricultural field enhanced into free fight between both the parties wherein Manoj, Kailash and his family members also sustained injuries. Cross case bearing Crime No. 173/203 was registered at Police Station Indar, District Shivpuri against the complainant party. No common intention against the applicant for causing injury to Hariram is made out. He is an agriculturist by profession. He has family to look after. There is no likelihood of his absconding leaving behind his family and agricultural field. There is no likelihood of interfering with the investigation or tampering with the evidence, as both the parties belong to same socio-economic status and they are also related to each other. Applicant is ready to cooperate in the investigation as and when required. No criminal antecedent is reported against the applicant. Learned counsel further submits that co-accused Hartoom Singh has already been extended benefit of anticipatory bail vide order dated 12th December, 2023 in M.Cr.C.No.54055 of 2023 and the case of applicant is almost on parity with that of co-accused. Therefore, the applicant may also be extended the benefit of anticipatory bail

*Per contra*, learned counsel for the State assisted by learned counsel for the complainant opposes the bail application.

Heard learned counsel for the parties and perused the case diary and documents.

Considering the arguments advanced by both the parties and overall circumstances of the case but without commenting on merits of the case, this Court is inclined to grant anticipatory bail to the applicant. Thus, the application is allowed.

Accordingly, it is directed that in the event of his arrest, applicant- **RADHESHYAM** shall be released on bail in relation to the Crime No.174/2023 registered at Police Station- Indar, District Shivpuri (M.P.) for the offence punishable under Sections 294, 323, 506, 427, 147, 148, 149 and enhanced Sections 325 and 326 of the IPC, upon furnishing a personal bond in the sum of **Rs.50,000/-(Rupees Fifty Thousand Only) with one solvent surety** of the same amount to the satisfaction of the officer making arrest, for compliance with the following conditions:

(1) Applicant shall make himself available for investigation as may directed by the officer, in-charge of investigation;

(2) Applicant shall not commit or get involved in any offence of similar nature;

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(5) Upon submission of final report under Section 173 of Cr.P.C, the applicant shall furnish fresh personal bond and solvent surety of aforementioned amount to the satisfaction of the Trial Court, if so directed and thereafter, shall remain present on every date of hearing as may be directed by the concerned Court;

(6) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance;

This order shall be effective till the end of trial. However, in case of breach of any of the pre-condition of bail, it shall become ineffective without reference to the Court.

C.C. as per rules.

**(SANJEEV S KALGAONKAR)**  
**JUDGE**

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