IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 336 of 2024

BETWEEN:-

IRSHAD S/O AZEEZ KHAN, AGED ABOUT 33 YEARS, OCCUPATION: LABOUR GANDHI GRAM KHAJRANA INDORE (MADHYA PRADESH)

.....APPLICANT

(BY SHRI NOOR AHMED SHEIKH - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER PS KHAJARANA, INDORE (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI AJAY RAJ GUPTA - PP)

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

ORDER

This is first application under Section 439 of the Cr.P.C. filed on behalf of the applicant in connection with Crime No.695/2023 registered at Police Station Khajrana, Indore (M.P.) under Sections 323, 294, 506, 326 & 34 of IPC.

As per the prosecution case, it is alleged that the applicant along with co-accused persons assaulted Amjad and Gulabnabi.

Counsel for applicant submits that as per the FIR and statement of the victims, the allegation against the applicant is to cause injury to Gulabnabi with the help of brick. The allegation against co-accused Anwar is to assault Amjad

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Signing time: 05-02-2024 18:08:10

with saria which resulted into injury on finger nail. No material has been adduced to establish that injury received by Gulabnabi was grievous in nature. The applicant is in jail since 12.12.2023. Investigation has been completed. Charge sheet has been filed.

In view of the aforesaid, I am of the view that the applicant is entitled for grant of bail. Therefore, without expressing any view on the merits of the case, the application is allowed.

It is directed that Applicant shall be released from custody upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety of the like amount to the satisfaction of the Ld. Court below.

It is further made clear that if it is found that the applicant is involved in any other case during the trial, this bail order shall stand cancelled automatically without reference to the Court and the Police will be at liberty to arrest the applicant.

A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the Ld. Court below.

(VIJAY KUMAR SHUKLA)
JUDGE

VM

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