IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4370 of 2024

BETWEEN:-

VIRENDRA SINGH S/O DASHRATH PANWAR,
AGED ABOUT 31 YEARS,
OCCUPATION: AGRICULTURIST
R/o. GRAM UMRI, TEHSIL SONDAVA
DISTRICT ALIRAJPUR (MADHYA PRADESH)

.....APPLICANT

(SHRI ASHISH GUPTA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION BAKHATGARH,
DISTRICT ALIRAJPUR (MADHYA PRADESH)

.....RESPONDENTS

(SHRI SAMEER VERMA - PANEL LAWYER)

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

ORDER

Heard and perused the case diary.

This is the first bail application filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail in relation to Crime No.229/2023, registered at Police Station-Bakhatgarh, Dist. Alirajpur for the offence punishable under Sections 294, 323, 506 and 307 of IPC, 1860. The applicant is in custody since 30.12.2023.

2. Allegation against the applicant is that on account of petty dispute of

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fetching water from the well, the applicant went to complainant's house and started hurling abuses upon the complainant and her husband, on being stopped by the complainant's husband, he assaulted them with wooden stick due to which they sustained injuries.

3 . Learned counsel for the applicant submitted that earlier FIR was lodged under Section 323, 294 and 506 of IPC against the applicant. As per prosecution story injured Bheemsingh received only simple injury on his head and leg, a fracture was found on the right hand of the injured. Complainant has received simple injuries, any way offence does not travel beyond 325 of IPC. Applicant is in custody since 30.12.2023 and conclusion of trial will take sufficient long time. Under these circumstances, counsel prayed for grant of regular bail to the applicant.

4. Learned Govt. Advocate has opposed the prayer and prayed for its rejection.

5. Heard learned counsel for the parties and perused the record.

6. Having taken into consideration of rival submissions, the facts and circumstances of the case, nature of allegation, but without expressing any opinion on the merits of the case, I am of the view that it is a case, in which applicant may be released on bail. Consequently without commenting on the merits of the case, first bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

7. It is directed that applicant be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he

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shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

8. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE

sumathi

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