IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4376 of 2024

BETWEEN:-

VIKAS @DAU S/O GOVIND PIPALDE, AGED ABOUT 23 YEARS, OCCUPATION: LABOUR, R/O: 303, NAYA BASERA, CHHOTI KHAJARANI, INDORE (MADHYA PRADESH)

.....APPLICANT

(MR. SANDEEP SETHIYA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH M.I.G. (MADHYA PRADESH)

.....RESPONDENT

(MR. OSHIN UPADHYAY - ADVOCATE FOR COMPLAINANT AND MS. NISHA TANWAR - PANEL LAWYER)

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

ORDER

Applicant has filed this second bail application under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail relating to Crime No.236/2023 registered at P.S. M.I.G., District Indore (M.P.) for commission of offence punishable under Sections 294, 506 and 307/34 of IPC. He is in jail since 13.04.2023.

2. His earlier bail application was dismissed as withdrawn by this Court *vide* order dated 11.10.2023 passed in MCRC No.39656/2023.

3. As per the prosecution story, on 26.03.2023, complainant lodged a

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report at P.S. M.I.G., District Indore by stating that on 25.03.2023 during the festival of Gangour there was much crowd. He parked his motorcycle at Naya Basera. In the night, at about 10:30 PM, when he went to bring his motorcycle back, four persons were also present there and they started abusing him in filthy language over previous dispute. When complainant was going back to his home, then co-accused Sooraj caught hold him from back side and present applicant Vikas caused injury by means of knife to the complainant. After that, people were gathered there, then accused persons ran way from the spot. Accordingly, a case has been registered.

4. Learned counsel for the applicant submits that applicant is innocent person and he has been falsely implicated in this matter. Applicant is in jail since 13.04.2023. Co-accused Sooraj has been enlarged on bail by this Court *vide* order dated 20.06.2023 passed in MCRC No.25550/2023 in the similar circumstances. Now, matter has been amicably settled between the parties and complainant has no objection regarding the bail to the present applicant. Investigation is over and charge-sheet has been filed. He is a permanent resident of District Indore. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

5. Per-contra, learned counsel for respondent/State opposes the bail application and prays for its rejection by submitting that as many as 14 criminal antecedents have been found against the present applicant. He is a habitual offender. Hence, he does not deserve for bail.

6. Learned counsel for the complainant submits that matter has been amicably settled between the parties and he has no objection if bail is granted to the present applicant.

7. Perused the case diary as well as the impugned order of the court

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below.

8. Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that applicant has already suffered jail incarceration for last nine months; victim did not sustain any bony or fatal injury; co-accused has also been enlarged on bail by this Court in the similar circumstances; investigation is over and charge-sheet has been filed, therefore, no further custodial interrogation of applicant is required and final conclusion of trial will take considerable long time. In view of the above, without commenting on the merits of the case, I deem it proper to release the applicant on bail.

9. Accordingly, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

Certified copy as per rules.

(ANIL VERMA)
JUDGE

Anushree

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