IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3189 of 2024

BETWEEN:-

AMIT YADAV S/O SHRI MUNIRAJ YADAV, AGED ABOUT 25 YEARS, OCCUPATION: LABOUR PADRA NAIBASTI JP ROAD POLICE STATION CIVIL LINE DISTRICT REWA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI D.S.DUBEY - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION CHORHATA DISTRICT REWA (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI PANKAJ TIWARI - PANEL LAWYER)

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

ORDER

This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.461/2023 registered at Police Station - Chorhata District Rewa (M.P.) for the offence punishable under Sections 341, 327, 394, 23, 329, 427, 506/34 of IPC. Applicant is in detention since 04.12.2023.

2. As per the prosecution story, allegation against the applicant is that he alongwith other people had beaten the complainant by kick and fists. Police registered the case against the present applicant under the aforesaid Sections.

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3. Learned counsel for the applicant submitted that applicant is in jail since 04.12.2023. He has been falsely implicated. It is further submitted that the present applicant was not present at the spot. The only allegation against the applicant is that he had beaten the complainant using kicks and fists. Complainant has submitted affidavit stating that the present applicant was not present on the spot. Therefore, it has been prayed that the applicant may be released on bail.

4. On the other hand, learned counsel for State has opposed the prayer for grant of bail to the applicant on the ground of his criminal past.

5. Learned counsel for the complainant submitted that he has no objection if the applicant is granted benefit of bail and he has submitted an affidavit in regard to his no objection.

6. Having taken into consideration all the facts and circumstances of the case, but without commenting on merit of the case, I am inclined to release the applicant on bail. Consequently, 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 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

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ineffective.

Certified copy as per rules.

(PRAMOD KUMAR AGRAWAL)
JUDGE

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