IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3625 of 2024

BETWEEN:-

LUCKY SINGH JHARIA S/O MOTI SINGH JHARIA, AGED ABOUT 29 YEARS, OCCUPATION: LABOURER R/O VILLAGE DEODHARA, THANA, TEHSIL AND DISTRICT MANDLA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI UDAY KUMAR - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION GHANSAUR DISTRICT SEONI (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI S. K. GUPTA - PANEL LAWYER)

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

ORDER

This is first application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail relating to FIR No.10/2024, dated 8.1.2024 registered at Police Station-Ghansaur, District-Seoni (M.P.) for commission of offence punishable under Sections 307, 379, 414, 34 of IPC, Section 4, 21 of Mines and Minerals Act and Section 66/192A, 132/177(1) of Motor Vehicles Act. Applicant is in detention since 08.1.2024.

2. As per the prosecution story, on 8.1.2023 Head Constable Maniram Chandravanshi along with Head Constable Rakesh Mishra, Constable 599

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Pankaj Pataskar, Constable 672 Raja Pawar and Constable 609 Pankaj Bhalavi were going towards Diwari side. In the meantime, they received information about illegal transportation of sand through Hyva vehicle. At around 4.30 P.M. they saw one Hyva bearing registration No. MP 66H 1319 coming in high speed from Ghansaur side. When Constable 609 Pankaj Bhalavi gave signal to stop, the driver of the vehicle with an intention to kill Constable Pankaj Bhalavi, sped away the vehicle. If he was not pulled back, he could have been murdered by crushing under the wheels of the vehicle. FIR was registered.

3. Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent. He has been falsely implicated. The allegations are against Driver Jitendra and not against the present applicant who is Conductor of Hyva. Therefore, it is prayed that the applicant may be released on bail pending the trial.

4 . On the other hand, learned counsel for the State has opposed the prayer for grant of bail to the applicant.

5 . Admittedly, applicant was Conductor of the vehicle and not the Driver. Allegations are against driver. Applicant has no criminal background. Therefore, having taken into consideration, totality of allegations, including facts and circumstances of the case, but without expressing anything on the merits of the case, I am of the view that it is a case in which further pre-trial detention of the applicant is not warranted. Consequently, this bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

6. It is directed that **applicant - Lucky Singh Jharia** 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

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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.

7. 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.

(DINESH KUMAR PALIWAL)
JUDGE

mrs. mishra

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