IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 30th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 3786 of 2024

BETWEEN:-

1. **SHRIRAM AHIRWAR S/O MALORA AHIRWAR, AGED ABOUT 50 YEARS, R/O VILLAGE CHANDRAPURA P.S. CIVIL LINE DISTRICT CHHTARPUR (MADHYA PRADESH)**

2. **PUSHPENDRA AHIRWAR S/O SHIRRAM AHIRWAR, AGED ABOUT 30 YEARS, R/O VILLAGE CHANDRAPURA P.S. CIVIL LINE DISTRICT CHHATARPUR (MADHYA PRADESH)**

3. **DHARMENDRA AHIRWAR S/O SHRIRAM AHIRWAR, AGED ABOUT 19 YEARS, R/O VILLAGE CHANDRAPURA P.S. CIVIL LINE DISTRICT CHHATARPUR (MADHYA PRADESH)**

.....APPLICANTS

(BY SHRI AMAN SONI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION CIVIL LINE DISTRICT CHHATARPUR (MADHYA PRADESH)

.....RESPONDENT

(BY SMT. SONALI SHRIVASTAVA - PANEL LAWYER)

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

ORDER

This first application has been filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail relating to FIR No.839/2023 dated 10.11.2023 registered at Police Station- Civil Lines, District -

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Chhatarpur (M.P.) for commission of offence under Sections 452, 323, 324, 294, 506, 147, 148, 149, 325, 326 & 307 of IPC. Applicants are in detention since 28.12.2023.

2. As per the prosecution story, on 10.11.2023 when complainant Ratandeep along with his brother Amandeep and mother Laxmi Verma was having tea in his house, Pushpendra Ahirwar, Shriram Ahirwar, Ajju Ahirwar, Karan Ahirwar, Jitendra Ahirwar, Kamlesh Ahirwar, Gokul Ahirwar and Rajesh Ahirwar by forming an unlawful assembly and armed with wooden sticks and iron rods, trespassed into their house and abused them. Rajesh and Jitendra by means of iron rods caused injuries to complainant Ratandeep, his mother Laxmi and Amardeep. It is alleged that Pushpendra caused injuries to his brother Amardeep on head and legs while Kamlesh, Ajju, Karan, Gokul and Shriram caused injuries by means of wood sticks, kicks and fists to Ratandeep and Laxmi. F.I.R was registered.

3. Learned counsel for the applicants has submitted that applicants have not caused any grievous injury to Laxmi and Ratandeep. Grievous injuries have been caused by Jitendra and Rajesh. Applicants have no criminal background. It is further submitted that a counter case has been registered against the complainant party also. Co-accused of the case, namely, Gokul Ahirwar has already been released on bail vide order dated 19.01.2024 passed in M.Cr.C.No.1492/2024. Therefore, it is prayed that applicants may also be released on bail on the ground of parity.

4. On the other hand, learned counsel for the State has opposed

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grant of bail.

5. In the matter main allegations are against Jitendra and Rajesh as they have caused grievous and life threatening injuries to Laxmi Verma. Co-accused of the case, namely, Gokul Ahirwar has already been released on bail vide order dated 19.01.2024 passed in M.Cr.C.No.1492/2024. Having taken into consideration the factum of registration of counter FIR and the act attributed to the present applicants, I am inclined to release them on bail. Consequently, this bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicants, stands allowed.

6. It is directed that applicants - Shriram Ahirwar, Pushpendra Ahirwar and Dharmendra Ahirwar be released on bail on their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** each with one solvent surety each in the like amount to the satisfaction of the trial Court, for their regular appearance before the trial Court during trial with a condition that they shall remain present before the concerned Court on all the dates fixed by it during trial. They 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)

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JUDGE

MKL

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