IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4378 of 2024

BETWEEN:-

1. **GANESH S/O PREETAM PRAJAPATI, AGED ABOUT 27 YEARS, OCCUPATION: LABOUR R/O WARD NO 14 PATHARIYA P.S. PATHARIYA DISTRICT DAMOH (MADHYA PRADESH)**

2. **NARESH S/O BAHADUR ATHYA, AGED ABOUT 28 YEARS, OCCUPATION: LABOUR R/O WARD NO.14 PATHARIYA P.S. PTHARIYA DISTRICT DAMOH (MADHYA PRADESH)**

.....APPLICANTS

(BY SHRI SHISHIR VERMA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION PATHARIA DISTRICT DAMOH (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI Y.D. YADAV - GOVERNMENT ADVOCATE)

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

ORDER

This is the first application filed by the applicants under Section 439 of the Code of Criminal Procedure for grant of regular bail, who are in jail since 29.09.2023 relating to FIR No.495/2023 registered at Police Station Pathariya District Damoh (M.P.) for the offences under sections 302, 201, 34 of the IPC and Sections 146/196 of the M.V. Act.

2. Learned counsel appearing for the applicants submitted that the

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applicants are not main accused in the case. As per prosecution version, one Buddan is said to have committed murder of deceased. Only allegation against the applicants is for disappearance of evidence and screening the offender. It is submitted that there was no common intention of applicants in causing murder. Offence under Section 201 of the IPC is punishable with seven years of imprisonment.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail and submitted that considering the nature of offence, applicant may not be granted bail.

4. Heard the counsel for the parties.

5. Considering aforesaid facts and circumstances of the case, without commenting on merits of the case, bail application filed by applicants is ***allowed***.

6. It is directed that applicants be released on bail on their furnishing personal bond of ***Rs.50,000/-(Rs. fifty thousand only)*** each with a solvent surety in the like amount to the satisfaction of the trial court for their regular appearance before concerned Court on all such dates as may be fixed in this regard during pendency of trial.

7. The applicants shall also abide by the conditions enumerated under Section 437 (3) of Cr. P. C.

C.C. as per rules.

(VISHAL DHAGAT)
JUDGE

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