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. 4389 of 2024

BETWEEN:-

SHANKAR PIPLADE S/O UMESH SINGH PIPLADE, AGED ABOUT 28 YEARS, OCCUPATION: LABOUR R/O VILLAGE REVADAP.S. DHANGAON DISTRICT KHANDWA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ANIL TIWARI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MUNDI DISTRICT KHANDWA (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 applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail, who is in jail since 22.10.2023 relating to FIR No.500/2023 registered at Police Station Mundi District Khandwa (M.P.) for the offences under sections 294 and 307 of the IPC.

2. Learned counsel appearing for the applicant submitted that in heat of movement, applicant is said to have assaulted his wife on his head with a knife. It is submitted that applicant had a fight with his wife and she went to leave in

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her mother's house. Applicant went to console her and bring her back. When she refused, in heat of movement, act is said to have been committed by applicant. Applicant does not have any criminal antecedents and first time offender. If applicant is released on bail it will not affect society at large as it was not a marital dispute between applicant and his wife. Investigation is complete and charge sheet has been filed. Applicant is in custody since 22.10.2023. Hence, he may be granted bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail and submitted that offence is serious in nature and applicant assaulted his wife with a dangerous weapon on her head. Hence, he may not be granted bail.

4. Heard the counsel for the parties.

5. There was a marital dispute between applicant and his wife when he went to bring his wife back, in heat of movement, applicant assaulted her with a knife. Applicant is first time offender. Investigation is complete and charge sheet has also been filed.

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

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

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

C.C. as per rules.

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(VISHAL DHAGAT)
JUDGE

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