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. 4407 of 2024

BETWEEN:-

MUKESH SONWANE S/O GHUDHAN LAL SONWANE, AGED ABOUT 58 YEARS, OCCUPATION: LABOUR R/O WARD NO 3 VILLAGE BESONI P.S. LANJI DISTRICT BALAGHAT (MADHYA PRADESH)

.....APPLICANT

(BY SHRI APARNA SINGH - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION LANJI DISTRICT BALAGHAT (MADHYA PRADESH)

.....RESPONDENT

(BY SMT. NUPUR DHAMIJA - PANEL LAWYER)

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

ORDER

This second application has been filed by the applicant under section 439 of Cr.P.C. in relation to FIR No.71/2023 dated 20.03.2023, registered at Police Station - Lanji District Balaghat (M.P.) for commission of offences under Sections 294,323,324,506,307,498-A and 34 of I.P.C. Applicant is in detention since 21.03.2023.

Applicant's first bail application was dismissed as withdrawn and not pressed with liberty to renew the prayer for bail after complainant/ injured evidence before the trial court vide order dated 21.06.2023 passed in

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2. As per the prosecution story, on 20.03.2023 Ganesh Sonwane lodged F.I.R alleging that on 19.03.2023 at around 7.00 P.M. after closing his shop when he reached to his home, his wife told that he has consumed liquor. They exchanged hot talks. In the meantime, his father Mukesh Sonwane and his brother Rupesh Sonwane came and asked as to why they are quarelling and started abusing them. When he asked not to abuse, Mukesh and Rupesh beat him by fists and punches. Rupesh assaulted him on his head by means of wood stick. When his wife Laxmi Bai came for his rescue, Rupesh caused multiple injuries on her head, back, wrist and thumb by means of vegetable knife. FIR was registered. After investigation, charge sheet has been filed.

3. Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent and has been falsely implicated. The main allegations are against Rupesh as he has caused injuries by means of knife. Allegation against the present applicant is that of causing voluntary hurt. It is further submitted that learned trial court has framed charges against him only for an offence under section 323/34, 294 and 506-II of IPC. Therefore, it is prayed that applicant may be released on bail.

4. On the other hand, learned Panel Lawyer for the State has opposed grant of bail.

5. I have gone through the statement of Laxmi Bai recorded under section 161 of Cr.P.C and her dying declaration. Applicant is in jail for last almost ten months. Having taken into consideration totality of allegations against the applicant including the detention period, but without expressing any opinion on the merit 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

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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 -**Mukesh Sonwane** 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.

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

MKL

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