IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 19th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 51555 of 2023

BETWEEN:-

SUNNY @ GOLU CHHAPARWAL S/O LATE SHRI RAJU CHHAPARWAL, AGED ABOUT 28 YEARS, OCCUPATION: PRIVATE JOB HOUSE NO. 1025 SHIVAJI WARD GANDHI NAGAR BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ASHOK KUMAR CHOURASIA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH STATION HOUSE OFFICER POLICE STATION NISHATPURA DISTRICT BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI NISHANT YADAV - PANEL LAWYER)

MISC. CRIMINAL CASE No. 51543 of 2023

BETWEEN:-

1. **TARUN @ TANNU PATHROAD S/O KAMAL PATHROD, AGED ABOUT 23 YEARS, OCCUPATION: PRIVATE WORK R/O HOUSE NO 01, BHARTI STATE NEAR TARUWA COLLEGE NISHATPURA BHOPAL DISTRICT BHOPAL (MADHYA PRADESH)**

2. **ISHAN @ MANOHAR PATHROD S/O KAMAL PATHROD, AGED ABOUT 38 YEARS, OCCUPATION: PRIVATE WORK R/O HOUSE NO. 1, BHARTI STATE NEAR TARUWA COLLEGE, NISHATPURA, BHOPAL (MADHYA PRADESH)**

.....APPLICANT

(BY SMT. SMITA VERMA - ADVOCATE)

Signature Not Verified
Signed by: JASLEEN SINGH SALUJA
Signing time: 1/19/2024 6:08:41 PM

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION NISHATPURA DISTRICT BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI NISHANT YADAV - PANEL LAWYER)

These applications coming on for admission this day, the court passed the following:

ORDER

These third bail applications under Section 439 of the Cr.P.C. has been filed by the applicants for grant of regular bail relating to F.I.R. No.22/2023 dated 07.01.2023 registered at Police Station Nishatpura, District Bhopal (M.P.) for commission of offence under Sections 294, 307, 323, 325, 427, 506 and 34 of IPC. The applicant- Sunny @ Golu Chhaparwal is in detention since 03.03.2023 and applicants - Tarun @ Tannu Pathroad and Ishan @ Manohar Pathroad are in detention since 04.04.2023.

2. Applicant - Sunny @ Golu Chhaparwal's first and second bail applications were dismissed and withdrawn and not pressed. While, applicants - Tarun @ Tannu Pathroad and Ishan @ Manohar Pathroad's first bail application was dismissed for want of prosecution and their second bail application was dismissed as withdrawn and not pressed. However, liberty was granted to renew the prayer for grant of bail after recording of evidence of the injured/complainant before the trial Court.

3. As per the prosecution story, on 07.01.2023, Gopal Lohiya lodged an FIR alleging that he lives in a joint family. They are three brothers. It is alleged that his acquaintance Tannu had called his brother Akash for catching pigs. He along with his brother Kapil and Akash went there, at around 10:00 P.M. Tannu

Signature Not Verified
Signed by: JASLEEN SINGH SALUJA
Signing time: 1/19/2024 6:08:41 PM

was abusing to Akash and was extending threat that if he came to catch the pig, he will eliminate him. When Akash asked him not to abuse, Tannu beat Akash by means of kicks and fists. Golu and Ishan who were having wood-sticks in their hand caused injuries on the head and hand of Akash. When they attempted to pacify the matter, they all beat them causing injuries. They also damaged a motorcycle bearing registration No. MP-04VC-4830. FIR was registered

4. Learned counsel for the applicants have submitted that applicants have not committed any offence. They are innocent. They have been falsely implicated. It is submitted that all injured persons have already been examined in the trial Court. They have not supported the prosecution story. Therefore, it is prayed that applicants may be released on bail.

5. On the other hand, learned Panel Lawyer for the respondent/State has opposed grant of bail to the applicants.

6. I have gone through the evidence of the witnesses recorded in trial and filed on record by the applicants. Applicants are in detention for last more than nine months. Injured witnesses have already been examined. Therefore, having taken into consideration all the facts and circumstances of the case, 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 applicants 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.**

7. It is directed that applicants - **Sunny @ Golu Chhaparwal, Tarun @ Tannu Pathroad and Ishan @ Manohar Pathrod** 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

Signature Not Verified
Signed by: JASLEEN SINGH SALUJA
Signing time: 11/19/2024 6:08:41 PM

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.

8. This order shall be effective till the end of the trial. However, in case o f bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

Jasleen



Signature Not Verified
Signed by: JASLEEN SINGH SALUJA
Signing time: 1/19/2024 6:08:41 PM