IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRAMOD KUMAR AGRAWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 57110 of 2023

BETWEEN:-

RIZWAN QURESHI S/O ARMAN QURESHI, AGED ABOUT 26 YEARS, OCCUPATION: LABOUR H.NO. 1472 GALI NO. 1 JANATA QUATERS AISHBAG BHOPAL (MADHYA PRADESH)

.....APPLICANT

(BY SHRI D.C.MALLIK - ADVOCATE)

AND

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

.....RESPONDENT

(BY MS. SEEMA PANDEY - PANEL LAWYER)

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

ORDER

This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.373/2023 registered at Police Station - Aish Bag Bhopal, District Bhopal (M.P.) for the offence punishable under Sections 294, 324, 307, 506(part II), 34 of IPC. Applicant is in detention since 16.09.2023.

2. As per the prosecution story, On 10.09.2023 at about 7:45 pm when he and his wife were having dinner at his in-law's house, his brother-in-law alongwith his elder brother and cousin came there and started abusing them.

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When the complainant stopped them to abuse, Pappu caught his hand from behind and caused injury from knife in his right hand, right eye and around his nose due which blood was oozing out. When his wife came there to rescue, Rizwan caused injury to her by sword at her left hand due to which her hand got cut and bones came out. When they made hue and cry, the accused persons said today you are saved, if you will meet in future and do not take old case back so we will kill you. On the basis of aforesaid allegation, Police registered the case against the present applicant under the aforesaid Sections.

3. Learned counsel for the applicant submitted that applicant is in jail since 16.09.2023. He has been falsely implicated. It is further submitted that he has filed a list of 11 cases in which applicant has been acquitted. Charge sheet has been filed. Therefore, it has been prayed that the applicant may be released on bail.

4. On the other hand, learned counsel for State as well as learned counsel for the objector have opposed the prayer for grant of bail to the applicant. It is further submitted that present applicant is the main accused. As per MLC report, injuries were received by both the injured but Reshma sustained grievous injuries. Reshma's hand got cut and bones came out. There is seizure of sword from the applicant. applicant has criminal antecedents of 32 cases. Therefore, they have prayed for dismissal of this bail application.

5. After going through the arguments and having perused the case diary and record, it is found that injuries were caused by hard and sharp objects and were grievous in nature and applicant has criminal antecedents of 32 cases.

6. In view of above and looking to the seriousness of offence, I am not inclined to release the applicant on bail. Consequently, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf

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of applicant, stands **dismissed**.

(PRAMOD KUMAR AGRAWAL)
JUDGE

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