IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 3rd OF JANUARY, 2024

MISC. CRIMINAL CASE No. 57153 of 2023

BETWEEN:-

1. **CHANDRABHAN SINGH UIKEY S/O SHRI RAJBHAN SINGH, AGED ABOUT 38 YEARS, OCCUPATION: SELF EMPLOYED,**

2. **BHAGWANT SINGH S/O DASOLA SINGH, AGED ABOUT 34 YEARS, OCCUPATION: SELF EMPLOYED,**

BOTH ARE R/O VILLAGE MALI (KACHRA), P.S. UMARIA, DISTRICT UMARIA (MADHYA PRADESH)

.....APPLICANTS

(BY SHRI JAI SHUKLA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION UMARIA, DISTRICT UMARIA (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI N.S. SOLANKI - PANEL LAWYER)

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

ORDER

This second bail application under Section 439 of the Code of Criminal Procedure has been filed by the applicants for grant of regular bail relating to FIR No. 511/2023 dated 29.09.2023 registered at Police Station Umaria, District Umaria (M.P.) for the offence punishable under Sections 147, 148, 149, 188, 114, 115, 117, 294, 307, 323, 342, 353, 332, 333, 337, 395, 397, 504, 506 and

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120B of IPC. Applicants are in detention since 26.09.2023.

2. Applicants' first bail application was dismissed as withdrawn and not pressed with liberty to revive the prayer for bail after filing of the charge-sheet before the trial Court vide order dated 28.11.2023 passed in M.Cr.C. No.46924/2023.

3. As per the prosecution story, on 26.09.2023, office bearers and workers of Godwana Gantantra Party staged sit in protest at Rani Durgawati Chowk, Umaria. 700-800 people were brought in town through various means of convenience in the programme. Radheshyam Kakodiya gave provocative speech and instigated the people to jam the roads and assaulted police personnel. The protestors were armed with weapons like wooden stick, etc. It is alleged that at exhortation given by Kakodiya, present applicants along with other co-accused persons assaulted Pratipal Singh Mahobia, Assistant Superintendent of Police and other police personnel causing grievous and life threatening injuries to them. They also caused loss by damaging public property belonging to Nagar Palika and stole. FIR was registered.

4. Learned counsel for the applicants has submitted that applicants have not committed any offence. They are innocent. The main allegation are against Radheshyam Kakodiya and not against the present applicants. They have been falsely implicated only because they belong to the party. They had not participated in the crime. After investigation, charge-sheet has been filed. Therefore, it is prayed that applicants may be released on bail pending the trial.

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

6. In this case, the main allegations are against Radheshyam Kakodiya.

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He is the key accused. As far as the present applicants are concerned, considering the totality of the facts and circumstances of the case and the fact that after investigation, charge-sheet has been filed, I am inclined to release the applicants on bail. Consequently, this second bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicants, stands **allowed.**

7. It is directed that **applicants - Chandrabhan Singh Uikey** and **Bhagwant Singh** 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 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

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