

**M.Cr.C. No.5116/2012****31.10.2012**

Shri Vivek Singh, learned counsel for the applicant.

Shri Deepak Rawal, learned Govt. Advocate for the respondent/State.

By this application filed under Section 439 of the Cr.P.C. applicant Yashwant has moved the application for grant of bail being implicated in Crime No.43/2012 registered by police station Kalyanpura, Jhabua for offence under Sections 353 & 307/34 of the IPC.

Counsel for the applicant has vehemently urged the fact that it is a case of false implication. Counsel submitted that the complainant had gone to the present applicant house in an intoxicated condition and abused him. Counsel submitted that the present applicant had filed the report against the complainant and in this regard also the police were prejudiced against him, they even refused to register the report regarding the present incident. Moreover, there are some other cases pending against the applicant. Counsel submitted that the applicant has been acquitted in three of the cases registered against him and rest are the petty matters, whereas the applicant is a young person aged 28 years and has been arrested on 01.06.2012. Hence Counsel prayed for grant of bail.

Counsel for the respondent/State, on the other hand, has opposed the submissions of the Counsel for the applicant. He, however, candidly admitted that nobody injured in the incident. Counsel prayed for dismissal of the application.

On considering the above submissions, the impugned order and material available in the case diary and looking to the

nature of allegations and fact that the applicant is in jail since 1.06.2012, I find that it is a fit case for grant of bail. The application is, therefore, allowed.

However, stringent measures need to be imposed, therefore, it is ordered that the applicant be released on bail on his furnishing a bail bond for a sum of **Rs.25,000/-** (*Rupees Twenty Five Thousand only*) with one surety of like amount to the satisfaction of the Trial Court for his appearance before the concerned trial Court on all dates of hearing as may be fixed by the Trial Court in this behalf during the pendency of trial.

By way of abundant caution, it is further directed that he shall also mark his presence in the concerned police station on the **each Sunday of every month** between 10.00 a.m. to 12.00 noon during pendency of the trial. Any default in attendance in court and marking presence in the concerned police station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicant in custody immediately.

It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

Cc. as per rules.

**(Mrs. S.R. Waghmare)**  
**Judge**