

Misc. Criminal Case No. 2335 of 2013

26/3/2013

Shri Ankit Khare, learned counsel for the applicant.

Ms. Mamta Shandilya learned counsel for the Respondent/
State.

Heard on the question of grant of bail.

This is an application made by the applicant (accused) under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for offence punishable under Section 306 IPC registered with Police Station Kukshi in Crime no.57/13.

Learned counsel for the applicant submits that the allegation in the FIR against the applicant is that the applicant was not permitting deceased Pannalal to take water from the hand-pump in front of his house and had beaten him on that account. He further submits that necessary ingredients of abetment are not present in the matter. He further submits that the applicant is in custody since 19/2/2013 and that the investigation is complete and the applicant is no longer required for the purpose of investigation.

Learned counsel for the State has opposed the application

for grant of bail.

On perusal of the case diary and considering the circumstances of the case, I find prima facie force in the submissions made by the counsel for applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly allowed.

The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed.

The applicant will attend each hearing of his trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

Certified copy as per rules.

(PRAKASH SHRIVASTAVA)
Judge

BDJ