

**M.Cr.C. No. 787/2013**

**28.2.2013**

Shri Manish Tiwari, Advocate for the applicant.

Shri G.S. Thakur, PL for the State.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody since 9.8.2012 in connection with Crime No. 649/2012 registered at P.S. Motinagar, District Sagar for the offence punishable under section 302 of the IPC.

Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. His name does not find place in the FIR. As per prosecution itself, the applicant is not the main accused of the case. It is alleged that co-accused Badal assaulted deceased Gabbar by lathi on his head and ultimately Gabbar succumbed to the head injuries. The allegation against the applicant is that he assaulted other persons of complainant party. Thus, no case under Section 302 of the IPC is made out against the applicant. The applicant is in custody and trial would take considerable time to conclude, therefore, he be released on bail.

Learned counsel for State has opposed the application.

On due consideration of the contention raised by the learned counsel for the parties and overall facts and circumstances of the case, I am of the considered view that it is a fit case to release the applicant on bail, therefore, without expressing any view on the merits of the case, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in a sum of Rs. 35,000/- (Rs. Thirty Five Thousand only) with one surety in the like amount to the satisfaction of the committal Court/trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial.

Certified copy as per rules.

**(G.S.Solanki)**  
**Judge**

PB