

Mahendra Singh & Ors. Vs. State of M.P.30.6.2014

Shri Deependra Singh Raghuvanshi, Advocate for the applicants.

Shri J.M.Sahni, PL for the respondent/State.

Heard.

This is first bail application under Section 439 of Cr.P.C. The applicants have been arrested in Crime No.178/2014 registered at Police Station, Cant, Guna, District Guna, under Sections 307, 147, 148, 149, 341, 294, 325 of IPC.

As per the prosecution case, the complainant and his brother were coming on trolley, one pipe was also kept in the trolley, which hits Musab Singh. Then Musab Singh abused the complainant and his brother. When they objected, he telephoned to his family members, then Sardar Singh, Nitesh, Dharmendra, Mahendra, Kamarlal, Bhura came armed with Lathi. Dharmendra gave Lathi blow on the left hand of the complainant. Musab Singh gave a Farsa blow on the head of Ashok. When Kashiram, Siyabai, Puran, Brajbhan, Shyambai, Man Singh, Kallobai, Harisingh, Bhagwatibai came to save, Mahendra, Sardar, Nitesh, Dharmendra, Kamarlal gave beating to them by means of Lathi and caused injuries.

It is submitted by learned counsel for the applicants that applicants have not committed any offence. They have falsely been implicated. The applicants have not caused any injury to the

complainant or any injured persons. It is also submitted that injured persons have submitted their affidavits that accused persons have not beaten them. A cross case has also been registered against the complainant party. The applicants are in custody since 20.5.2014. Trial will take some time. Therefore, the applicants be released on bail.

The application is opposed by learned Panel Lawyer.

Case diary perused. The allegation against the applicants are for causing injuries to Kashiram, Siyabai, Puran, Brajbhan, Shyambai, Man Singh, Kallobai, Harisingh, Bhagwatibai. Kashiram has received three lacerated wounds over occipital region, parietal region and left leg. Siyabai has sustained one lacerated wound over left toe and swelling. Puran Singh has sustained two lacerated wounds over parietal region and over left side of ear. Brajbhan has sustained one lacerated wound over frontal region. Shyambai has sustained swelling in left wrist. Kallobai has sustained one bruise over right thigh. Bhagwatibai has sustained swelling over left side of maxillary region. Kallobai and Siyabai has sustained fracture of clavicle bone. Brajbhan has sustained fracture of second metacarpal bone. There is no allegation against the applicants for causing injury to Janak Singh. It appears from the order passed by the trial Court a cross case at Crime No.177/2014 is also registered against the complainant party. Considering the role attributed to the present applicants and the nature of injuries as well as the fact that cross

case has been registered against the complainant party, the application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of Trial Court.

This order will remain operative subject to compliance of the following conditions by the applicants :-

1. The applicants will comply with all the terms and conditions of the bond executed by them;
2. The applicants will cooperate in the investigation/trial, as the case may be;
3. The applicants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicants shall not commit an offence similar to the offence of which they are accused;
5. The applicants will not seek unnecessary adjournments during the trial; and
6. The applicants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the Court concerned for compliance.

C.c. as per rules.

**(D.K.Paliwal)
Judge**

Patil