

30/9/2014 .

Shri S.S. Dhakad, Advocate for the applicant.

Shri Pramod Pachori, Public Prosecutor for the respondent/ State.

Heard the learned counsel for the parties.

The applicant is in custody since 27.8.2014 in connection with Crime No.145/2014 registered at Police Station Kachnar, District Ashoknagar for the offences punishable under Sections 341, 294, 323/34, 324 and 326 of IPC.

Learned counsel for the applicant submits that the applicant is a young youth of 20 years of age, who has no criminal past alleged against him. Except the offence punishable under Sections 324 and 326 of IPC, remaining offences are bailable. It is alleged against the applicant that he assaulted victim Prem Narayan on his head by Tomy, however, no grievous or fatal injury has been caused due to such assault. Under these circumstances, it appears that no offence under section 326 of IPC is made out against the applicant either directly or with the help of Section 34 of IPC. Similarly when no grievous injury was caused on head of the victim by the applicant, therefore, it cannot be said that Tomy was a deadly weapon, hence no offence under section 324 of IPC is made out. The applicant is in custody without any substantial reason. Under

these circumstances, he prays for bail.

Learned counsel for the State opposes the application.

Considering the submissions made by learned counsel for the parties, looking to the facts and circumstances of the case including the gravity of offence, without expressing any view on the merits of the case, I am of the view that application under Section 439 of Cr.P.C. filed by the applicant viz. **Nasir Khan** may be accepted. Consequently it is hereby allowed.

It is directed that present applicant be released on bail on his furnishing a bond in sum of **Rs.30,000/- (Rupees Thirty thousand)** with one surety bond of the same amount to the satisfaction of the CJM Ashoknagar, to appear before the committal Court and the trial Court on the dates given by the concerned Courts.

This order shall be effective till the end of trial but in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(N.K.Gupta)
Judge

Pawar/-