

M.Cr.C. No.17885/2014

28.11.2014

Shri D.K. Melani, Advocate for the applicants.

Shri A.K. Singh, G.A. for the respondent/State.

At the outset, learned counsel for the applicants prays for withdrawal of this petition on behalf of applicants No.2 and 3 namely Ravi and Gopendra.

Prayer is allowed.

This is petition is accordingly dismissed as withdrawn on behalf of applicants No.2 and 3 namely Ravi and Gopendra.

This is the first bail application filed by the applicant No.1 Dinesh Soni under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody since 10.05.2014 in connection with Crime No.256/2014 registered at P.S. SC/ST Ajaks, Moghat, District Khandwa for the offence punishable under Sections 147, 148, 149, 302, 323 of the I.P.C. read with Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

As per prosecution, it is alleged that at the time of incident, this applicant was having an axe in his hand. He alongwith other co-accused persons have assaulted the deceased.

Learned counsel for the applicant has submitted that none of the injury caused by an axe was found on the persons of the deceased. In these circumstances, his case is akin to the case of co-accused Smt. Vimlabai, who had already been released on bail by this Court in M.Cr.C. No.11274/2014 vide order dated 07.08.2014.

Learned counsel for the State has opposed the application.

On due consideration of the contention made by the learned counsel for the parties and over all facts and circumstances of the case, I am of the considered view that it is a fit case to release the applicant No.1 Dinesh Soni on bail, therefore, without expressing any view on the merits of the case, the application is allowed and it is directed that applicant No.1 Dinesh Soni shall be released on bail on his furnishing a personal bond in a sum of Rs. 30,000/- (Rs. Thirty Thousand only) with one surety in the like amount to the satisfaction of the 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**

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