

Lalla @ Narendra Vs. State of M.P.

31/3/15

Shri Puran Kulshrestha, counsel for the applicant.

Shri Prabal Solanki, Govt. Advocate for the State.

Heard the learned counsel for the parties.

The applicant is in custody since 16/6/2014 relating to Crime No.18/14, registered at Police Station Devgarh, District Morena (M.P.) for the offence punishable under Sections 307, 147, 148, 149 of I.P.C., section 11/13 of the MPDVPK Act and section 25/27 of the Arms Act.

Learned counsel for the applicant submits that the applicant is a youth of 23 years of age, who has no criminal past alleged him, as such. It is alleged against co-accused persons that they fired from guns at police party. However, nobody sustained injuries. It is alleged that the applicant had dragger with him at the time of incident. There is no allegation against the applicant that he tried to assault by the dragger. No common object or intention can be presumed with the co-accused persons for offence under section 307 of I.P.C. Consequently said offence shall not constitute either directly or with the help of section 34 or 149 of I.P.C. In the incident no robbery or abduction was done. However case is registered under section 11/13 of MPDVPK Act. The applicant is in custody since 16/6/2014. He cannot be kept in custody for un-limited period. Otherwise his future will be spoiled

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in the company of hardened criminals inside the jail. In such circumstances, the applicant prays for bail.

Learned Govt. Advocate 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 may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant, namely, **Lalla @ Narendra** be released on bail on his furnishing a personal bond in the sum of **Rs.40,000/- (Rupees Forty Thousand)** with a surety bond of the like amount to the satisfaction of the trial court to appear before the trial Court on the dates given by the concerned Court.

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

(Bu)