

**( Bhanu Pratap and Ors. Vs. State of MP)****30.04.2015**

Shri Pramod Gohadkar, Advocate for the applicant.

Shri P.S. Raghuvanshi, learned Panel Lawyer for the respondent/State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

Applicant apprehends arrest in connection with offences punishable u/Ss.147, 148, 149, 341, 323, 324, 326, 294, 506 IPC registered as Crime No.38/2015 at Police Station Miyana, District Guna.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of anticipatory bail is made out.

The applicant apprehends arrest in respect for aforesaid offences where the allegation against the petitioners who are seven in number is that they have together assaulted injured with different weapons such as Lohangi, Iron Rod, Gadha and Lathi.

MLC report indicates that injury has been sustained including fracture.

Pertinently, the same incident gives rise to another cross case where applicants no. 1- Bhanu Pratap, 2- Jasweer and 3- Kripan have been injured and therefore possibility of exercise of their right to private defence cannot be ruled out. In view of the above applicants no. 1- Bhanu Pratap 2- Jasweer and 3- Kripan are entitled to anticipatory bail only and in respect of other co-accused ie. Applicants no. 4,5, 6 and 7 as there are allegations against them and in cross case the said applicants have not been injured.

In view of the above, anticipatory bail applications in respect of applicants no. 4,5, 6 and 7 namely, Shivnandan, Jitendra, Krishnbhan and Lallu stands rejected.

So far as applicants no. 1, 2 and 3, namely, Bhanupratap, Jasweer and Kripan are concerned, their bail application is allowed u/S 438 Cr.P.C in the following terms.

It is hereby directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond of **Rs.50,000/-(Rupees Fifty Thousand only)** with two solvent sureties of the like amount to the satisfaction of Arresting Authority.

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

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself 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 applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant 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.

**(Sheel Nagu)**  
**Judge**