

M.Cr.C.No.7564/2015

(Bhogiram Vs. State of M.P.)

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31.07.2015.

Applicant by Shri S.K. Shrivastava, Advocate.

Respondent/State by Shri Vijay Sundaram, learned PL.

Heard.

This is first bail application under Section 439 of Cr.P.C. The applicant has been arrested in Crime No.37/2015 registered at Police Station Mow, District Gohad (M.P), for the offence punishable under Sections 395, 397, 353, 186 of IPC, Section 25/27 of Arms Act and Section 11/13 of MPDVPK Act.

As per the prosecution story, on 22.02.2015 the complainant was acting as a Presiding Officer at polling center No.278. Polling was going on peacefully at about 8:30 AM some persons entered in the polling center room armed with Lathi, Danda and Katta. One of them pointed Katta asked him to do what they command other persons started disturbing the polling process, when the security officers turned them out from the polling booth, they started firing at police party. Some of them committed robbery of ballot papers and other election materials from the polling center. The agents who were sitting in the polling center have disclosed the names who committed the aforesaid incident as Hakim, Kailash, Sunil S/o Preetam, Jitendra S/o Hakim, Damphar S/o Pachole, Shivdayal, Bhogiram, Uttam S/o Jagdeesh. Thereafter, report has been lodged.

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It is submitted by learned counsel for the applicant that applicant has not committed any offence. He has falsely been implicated in this case. It is further submitted that applicant is 85 years of age. Applicant is in custody since 23.05.2015. Trial will take sometime. On these grounds learned counsel for the applicant prays for grant of bail.

The application is opposed by the learned Panel Lawyer.

Perused the case diary.

Applicant is named in the FIR. Badan Singh and Monu Singh who were the independent witnesses clearly stated the name of the applicant. Taking into consideration the allegation against the applicant and the gravity of the offence, I am not inclined to grant the benefit of bail to the applicant.

Accordingly, this bail application is hereby rejected.

(D.K.Paliwal)
Judge

bj/-