

## **MCRC-7985-2015**

*(GHANSA @ GHANSHYAM Vs THE STATE OF MADHYA PRADESH)*

**29-05-2015**

Shri A.D. Mishra, learned counsel for the applicant.

Shri G.S. Thakur, learned Panel Lawyer for the respondent/State.

Heard arguments.

Perused case diary and material on record.

This is first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail in connection with crime No. 27/2015, registered at Police Station Bamnoura, District Chhatarpur(M.P.) against him and co-accused-Pancha for the offences punishable under Sections 452, 323, 294, 506 and 34 of the IPC.

Prosecution allegations are that on account of old enmity, on 05.04.2015, at about 07:45 p.m., the applicant and co-accused-Pancha entered the house of the informant situated in village Halawani and committed *marpeet* with him with *lathis*. They have also committed *marpeet with Guddi*, the daughter-in-law of the informant, when she came to rescue him.

Learned counsel for the applicant submits that the applicant is in custody since 06/04/2015 and the charge-sheet had been filed. It is also submitted by him that both the injured sustained simple injuries-contusions. It is also submitted by him that except the offence under Section 452 of the IPC, all offences are bailable. It is also submitted by him that vide the impugned bail order, co-accused was granted bail under Section 439 of the Cr.P.C., but the applicant was denied bail on the ground that he has criminal

antecedents. However, the prosecution has not produced any documentary evidence in this regard. Upon these submissions, a prayer is made for grant of bail to the applicant.

Learned Panel Lawyer opposes the prayer. However, he admits that there is no material in the case diary as to the criminality of the applicant.

On due consideration of facts and circumstances of the case and the submissions raised by the parties by their counsel, but without expressing any opinion on merits of the case, I am of the view that this is a fit case for grant of bail. Hence, the application is allowed. It is ordered that applicant **Ghansa @ Ghanshyam** be released on bail on his furnishing a personal bond in the sum of **Rs. 25,000/- (Rupees Twenty Five Thousand Only)** with one solvent surety of the same amount to the satisfaction of the concerned Court for his appearance on all such dates as may be fixed by it in this regard. He shall abide by the conditions enumerated in Section 437(3) of the Cr.P.C. In case of bail jump, the concerned Court will have power to cancel the applicant's bail. Certified copy as per rules.

(RAJENDRA MAHAJAN)  
JUDGE

GT/-