

## **MCRC-9015-2015**

*(KALLU @ RAJESH Vs THE STATE OF MADHYA PRADESH)*

**30-06-2015**

Shri Rajkumar Yadav, learned counsel for the applicant.  
Smt. Shobhna Sharma, learned panel lawyer for the non-applicant/State.

Heard arguments.

Perused case diary and material on record.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. in connection with Crime No.571/14 registered at Police Station Madhotel, Jabalpur against the applicant and co-accused persons for the offences punishable under Section 450, 302 and 34 of the I.P.C. and 3 (2) (5) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Prosecution allegations are that on the night of 09.12.2014 at about 11.00 p.m., applicant Kalloo @ Rajesh and co-accused persons namely Pammu Yadav, Gopi Yadav and Rakku @ Rakesh stormed into the house of deceased Sonelal and asked him to repay Rs.20,000/- which he had borrowed from Durga Yadav, the father of co-accused Pammu Yadav. Whereupon, the deceased told them that he had already repayed the money. Thereafter, they committed marpeet with him with Lathis and Farsas. Not only that they dragged him out of their house and again committed marpeet, where he succumbed to injuries.

Learned Counsel for the applicant submits that the

-2-

applicant is in custody since 11.12.2014 and the charge-sheet had been filed. It is also submitted by him that as per the F.I.R., the applicant had Lathi at the time of alleged incident but the deceased had not sustained any injury of lathis. It is also submitted by him that the applicant is a permanent resident of Jabalpur city and does not have any criminal antecedents. Upon these submissions, learned counsel prays for grant of bail to the applicant.

Learned panel lawyer opposes the prayer on the ground that the applicant is named in the F.I.R. and he and the other co-accused persons ghastly murdered the deceased. It is also submitted her that this Court has rejected the bail application of co-accused Gopu Yadav vide Order dated 29.05.2015 passed in M.Cr.C.No.7933/2015.

On due consideration of the facts and circumstances of the case, the submissions raised on behalf of the parties by their counsel and upon perusal of the PM report of the deceased and the manner in which the offence was committed but without expressing any opinion on the merits of the case, I am not inclined to grant bail to the applicant. Hence the application is rejected.

Certified Copy as per rules.

**(RAJENDRA MAHAJAN)**  
**JUDGE**