

MCRC-4521-2016

(SONU KUSHWAH Vs THE STATE OF MADHYA PRADESH)

31-05-2016

Shri D.S. Tomar, Advocate for the applicant.

Shri A.S. Yadav, Panel Lawyer for the respondent/State.

Heard.

Perused the case diary.

This is first bail application under section 439 of Cr.P.C.

The applicant has been arrested in connection with Crime No.142/2016 registered at Police Station AJAK, District Vidisha, for the offence punishable under Section 294, 323, 307/34 of IPC and Section 3 (1)(r), 3 (2)(5-A) and Section 3 (2) & (5) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. The applicant is in custody since 06.03.2016 and allegation against the applicant is that he has caused injury to the injured with a Talwar, however, as in the medical report, injuries which have been caused have been reported from hard and blunt object, therefore, the applicant be granted the benefit of bail.

The prayer is opposed by learned Panel Lawyer.

Considering all facts and circumstances and the nature of the offence as alleged against applicant Sonu Kushwah where prosecution story discloses that applicant has caused injury with a Talwar. As in the medical report, injuries which have been caused have been reported from hard and blunt object, looking to this fact, but without expressing any view on the merits of the case, this application is allowed. It is directed that the applicant shall be

released on bail on his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties each in the sum of **Rs.25,000/- (Rupees twenty five thousand only)** to the satisfaction of **Trial Court.**

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.

(VIVEK AGARWAL)
JUDGE