

MCRC-20880-2015

(BABU Vs THE STATE OF MADHYA PRADESH)

29-01-2016

Shri M.P. Tripathi, learned counsel for the applicants.

Shri Devendra Shukla, learned Panel Lawyer for the respondent/State.

Learned counsel for the applicants does not want to press the application on behalf of **applicant No. 1 Badu**. Hence, the application on behalf of **applicant No. 1 Badu** is **dismissed** as withdrawn.

This is first application filed under Section 439 of the Cr.P.C. for grant of bail to the **applicant No. 2 Mika** who has been arrested in connection with Crime No. 355/2015 registered at P.S.-Shahpur, District-Burhanpur for the offence punishable under Sections 302, 294, 323, 506/34 of the IPC.

As per the prosecution story four accused persons were passing from the house of the deceased, at that time one of the accused Badu had said that Sunil and Nilesh used to commit theft and they are thief. Sunil opposed the aforesaid statement then all the four accused persons had beaten Sunil. The allegation against Badu is that he had inflicted injuries on the head of the deceased by stone due to which deceased was died. The applicant is in jail since 18/08/2015.

The prayer for bail is opposed by learned Panel Lawyer.

Looking to the aforesaid facts of the case but without expressing any opinion on the merits of the case, the application on behalf of applicant No. 2 Mika is allowed. It is directed that on furnishing a personal bond in the sum of **Rs. 50,000/- (Rs. Fifty Thousand Only)** by the **applicant No. 2 Mika** along with one solvent surety in the like amount to the satisfaction of trial court, the **applicant No. 2 Mika** be released on bail with a direction to appear before the trial court on the date of the trial.

The applicant shall abide by the following conditions of **437 (3) of Cr.P.C.** as under:-

- (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that such person shall not commit any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and
- (c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Certified copy as per rules.

(S.K. GANGELE)
JUDGE

MISHRA