

**MCRC No. 23679/2017**  
**Manoj Kushwah @ Banti Vs. State of M.P.**

**Gwalior, Dated: 30/11/2017**

Shri Vikas Saxena, learned counsel, for the applicant.

Shri Ravindra Singh Kushwaha, learned Public Prosecutor, for the respondent/State.

Heard arguments.

Perused case diary and material on record.

This is the first bail application filed by the applicant under Section 438 of the CrPC for grant of anticipatory bail as he apprehends his arrest in Crime No. 417/2017 registered at Police Station Jhansi Road Gwalior against him and co-accused Rinku and four other unknown co-accused persons for the offences punishable under Sections 308, 323, 294, 506, 147, 148 and 149 of the IPC.

According to the prosecution, on 5/9/2017 at about 11:15 a.m. complainant Rajesh Bohare lodged an FIR stating that in the night of 4/9/2017 at about 10:30-11:00 p.m. he was standing in front of his house situated in Naka Chandrawadni Gwalior. At that time, the applicant, co-accused Rinku Kushwah, his father, elder brother and two unknown persons came to his house and hurled filthy abuses. He asked them not to abuse. Thereupon, the applicant gave a stick blow on his left leg. Co-accused Rinku assaulted him with the butt of the country-made firearm causing injury on his left eye. Later, co-accused Rinku fired in

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the air to frighten him and his family members. While leaving the place of occurrence, the applicant, co-accused Rinku and their companions gave him life threats in case he reports the matter to the police.

Learned counsel for the applicant submits that upon the report of the applicant, the police registered a counter case at Crime No. 416/2017 against the complainant of the present case and his two unknown companions for the offences punishable under Sections 452, 308, 323, 294 and 506 IPC. He submits that the applicant lodged the FIR first in time. He submits that the complainant of the present case lodged the FIR as counterblast. He submits that looking to the allegations levelled against the applicant his custodial interrogations are not required. He submits that all the injured persons had sustained simple injuries. He submits that the applicant has no criminal antecedents and that he is a permanent resident of Gwalior city. Upon these submissions, he prays for grant of bail to the applicant.

Learned Public Prosecutor opposes the prayer. However, he concedes that the applicant has lodged the FIR first in time and that as per the case diary the applicant has no criminal antecedents.

Taking into consideration the facts and circumstances of the case, the submissions raised on behalf of the parties by their counsel and no

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requirement of custodial interrogations of the applicant and the registration of cross case for almost same offences, but without commenting on merits of the case, I am of the opinion that it is a fit case for grant of anticipatory bail to the applicant. Hence, the application is allowed. Applicant **Manoj Kushwah @ Banti** is directed to appear before the Investigating Officer of the case on or before **14/12/2017** for interrogations and submissions of documents of his permanent address and contact numbers, if any. The Investigating Officer is directed that if he/she arrests the applicant in the case, then he/she will release him on bail upon his furnishing a personal bond in the sum of **Rs.40,000/- (Forty Thousand)** with one solvent surety of the same amount to his/her satisfaction. Further, the applicant shall abide by all the conditions enumerated in Section 438 (2) of the CrPC. It is made clear that if the applicant fails to appear before the Investigating Officer within the stipulated time period, then this order shall stand automatically cancelled.

Certified copy as per rules.

**(Rajendra Mahajan)**  
**Judge**

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