

**The High Court Of Madhya Pradesh****MCRC-17436-2020***(PANKAJ @ GATTU Vs THE STATE OF MADHYA PRADESH)***MCRC-17430-2020***(JITENDRA AHIRWAR Vs STATE OF MADHYA PRADESH)***Jabalpur, Dated : 31-07-2020****Heard through Video Conferencing.**

Shri Ashish Kurmi, counsel for the applicants in both the cases.

Shri Sanjeev Kumar Singh, Panel Lawyer for the respondent/State.

Heard on both the applications filed under Section 439 of Cr.P.C. on 6/06/2020 on behalf of **Pankaj @ Gattu** and **Jitendra Ahirwar** who are confined in custody since 17/05/2020 in connection with Crime No. 115/2020 registered at Police Station Makroniya, District Sagar.

It appears from the copy of challan that the police filed the challan before the trial Court under Sections 341, 294, 323, 324, 325, 326 and 307/34. At the time of filing of challan, Section 307 of I.P.C. has been enhanced.

It is submitted by learned counsel for the applicant that on the date of incident i.e. on 14/04/2020 in the morning, one incident happened with the father of the applicant and F.I.R. No. 113/2020 was lodged at Police Station Makroniya, District Sagar under Sections 294, 323 and 324 of I.P.C. When the aforesaid incident happened, the complainant fled away and fell down and sustained injuries. A false report has been lodged against the applicants.

It is also submitted that the injuries are in simple nature. The accused persons are having no any criminal background, therefore, they should be enlarged on bail.

On the other side, the State strongly opposed the bail application. It is submitted by the State that looking to the entire evidence collected during the investigation, it appears that the fatal injuries were caused by the applicants, therefore, they are not entitled to be enlarged on bail.

It appears from the documents that on 14/04/2020, accused Jitendra,

Pankaj and Kalu assaulted by the help of sticks to Ravendra with his brother Shailendra who lodged the F.I.R and reached there. Accused Kalu also caused the injury to Shailendra by the help of stick. All the three accused committed the aforesaid offences in furtherance to their common intention. The medical report, other query reports, treatment slips also show that the fatal injuries were caused by the accused persons.

Looking to the overall circumstances and the evidence related to the medical report, in view of this Court, the accused persons are not entitled to get the bail.

Accordingly, both the applications are **dismissed**.

(B. K. SHRIVASTAVA)  
JUDGE

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