

# The High Court Of Madhya Pradesh

MCRC-15042-2021

(RAJESH AND OTHERS Vs THE STATE OF MADHYA PRADESH)

**Jabalpur, Dated : 31-03-2021**

Mr. Laxmi Narayan Sakle, learned counsel for the applicants.

Mr. Sourabh K. Soni, learned PL for the respondent-State.

Counsel for the State submits that the case diary is available.

This is the first bail application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail.

The applicants are in custody since 15.01.2021 in connection with Crime No.452/2020 registered at Police Station Civil Lines, District-Harda (M.P.) for the offences punishable under Sections 353, 307, 147, 148 & 149 of IPC.

As per the prosecution case, the applicants are alleged to have committed marpeet with the complainant Brijesh Sahu, while he was discharging his duties with an intention to commit murder. On the basis of the above, offence as mentioned above have been registered against the present applicants.

Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated. There is no direct or indirect allegation against them. It is further submitted that the complainant has not sustained grievous injuries. It is stated that the co-accused person Pinki @ Sushma, Abhishek, Rohit, Raja & Sunny have been granted bail by the trial Court, which are filed vide Annexure-A/2 & A/3. The applicants are in custody since 15.01.2021 and the trial will take time to conclude. The applicant is permanent resident of the District Harda and there is no likelihood of absconding or tampering with the prosecution evidence by the applicant. On these grounds, prayer is made to enlarge the applicant on regular bail.

Learned counsel for the State has vehemently opposed the bail application and prayed for rejection of the bail application on the ground that the present applicants are the main accused persons, they have actively

participated in the commission of crime and committed marpeet with the complainant. It is submitted that as per the MLC report, the complainant has sustained lacerated and stab wounds.

Heard learned counsel for both the parties and perused the entire material available on record including the MLC report.

Keeping in view the entire facts and circumstances of the case and looking to the allegations levelled against the applicants and on going through the MLC report and taking note of the injuries sustained by the complainant, this Court is of the view that this is not a fit case, in which, the applicant may be granted the benefit of bail.

Accordingly, this application filed by the applicants under Section 439 of Cr.P.C stands *dismissed*.

(AKHIL KUMAR SRIVASTAVA)  
JUDGE

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