

IN THE HIGH COURT OF MADHYA PRADESH AT INDORE
BEFORE
HON'BLE SHRI JUSTICE VIVEK RUSIA
ON THE 28th OF FEBRUARY, 2022

MISC. CRIMINAL CASE No. 7300 of 2022

Between:-

SARFARAZ S/O MR. ABDUL SALAM MATHARIYA ,
 AGED ABOUT 19 YEARS, OCCUPATION:
 AGRICULTURIST VILLAGE MULTANPURA,
 MANDSAUR (MADHYA PRADESH)

....APPLICANT

(BY SHRI SARANSH JAIN, LEARNED COUNSEL)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE
 OFFICER THROUGH POLICE STATION Y.D. NAGAR,
 MANDSAUR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH SHARMA, LEARNED COUNSEL)

.....
This appeal coming on for ADMISSION this day, the court passed the following:

ORDER

This is fourth bail application under Section 439 of Cr.P.C. filed on behalf of applicant who is in custody since 30.01.2019, in connection with Crime No.562/2018, Police Station Y.D. Nagar, Mandsaur, for the offence punishable under Section 302, 294, 506, 341, 323, 147, 148, 149 of I.P.C. and Section 25 and 27 of Arms. Act.

Earlier three prayers for grant of bail have been dismissed as withdrawn vide order dated 23.07.2019, 03.02.2020 and 13.05.2021 passed in M.Cr.C. 27960/2019, M.Cr.C. No.1794/2020 and M.Cr.C. No.18630/2021 respectively.

The third bail application of the applicant was dismissed as withdrawn with liberty to renew his prayer after examination of star witnesses Anwar and Rubina. Now they have been examined before the trial Court as PW-1 and PW-2. Although they are supporting the case of prosecution but main injury of gun shot was caused by Rais to Idrish. This applicant was said to have joined later on but there is no role attributable to him. It is further submitted that he is in jail since 30.01.2019. At the time of incident, he is 19 years old with no criminal past. Hence, application of

the applicant may kindly be allowed.

Learned Government Advocate for the respondent/State opposes the bail application and prays for its rejection.

I have heard learned counsel for the parties and perused the statement of the star witnesses.

According to Anwar (PW-1), the incident took place on 22.11.2019. On the said date, Rais and Asfaq were talking in abusing language for which Rubina has objected them that other ladies are there. Then both have started abusing Rubina (PW-2). The brother-in-law of Rubina i.e. Wasim came there and told to accused to leave the place. Both the aforesaid accused assaulted him. He sustained injury, thereafter, Idrish came, then Rais called Abdul Salam, applicant and Javed also came there and assaulted to Idrish. Abdul Salam brought a gun from his house and handed over to Rais and he fired the gun shot due to which Idrish has died. However, Rubina has stated that all accused have assaulted her husband Idreish, thereafter Rais fired gun shot.

In view of the above statement, no case is made out for grant of bail.

Certified copy as per Rules.

Praveen

(VIVEK RUSIA)
JUDGE

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