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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA
ON THE 29th OF JULY, 2022**

MISC. CRIMINAL CASE No. 27941 of 2022

Between:-

**GUDDA S/O MOTI BANJARA, AGED ABOUT 40
YEARS, OCCUPATION: LABOURER VILLAGE
TARAWALI, TEHSIL SUWASARA, DIST.
MANDSAUR (MADHYA PRADESH)**

.....PETITIONER

**(SHRI ABHAY SARASWAT, LEARNED COUNSEL FOR THE
PETITIONER).**

AND

**THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLLICE STATION
SHAMGARH, DIST. MANDSAUR (MADHYA
PRADESH)**

.....RESPONDENT

**(SHRI RANJEET SEN, LEARNED GOVT. ADVOCATE FOR THE
STATE, SHRI NAVENDU JOSHI, LEARNED COUNSEL FOR THE
RESPONDENT [COMP].)**

.....
*This application coming on for orders this day, the court passed the
following:*

ORDER

This is first application under Section 439 of the Cr.P.C. filed on behalf of the applicant in connection with Crime No.87/2022 registered at Police Station - Shamgarh, Dist. Mandsaur (M.P.) under Sections 307, 323, 294, 506/34 of IPC.

As per the prosecution case, the allegation against the present applicant is that he had caused injury to Ishwar with the help of *lathi* on head. The injury received by Ishwar is simple in nature.

Counsel for the applicant submits that the applicant is in jail since 25.03.2022, the investigation has been completed and the charge-sheet has been filed.

Counsel for the State opposes the prayer for grant of bail.

Counsel for the complainant submits that he has no objection to grant bail to the applicant.

Considering the aforesaid submissions and taking into consideration that the injury caused by the present applicant to Ishwar with the help of *lathi* is simple in nature, I am of the view that the applicant is entitled for grant of bail. Therefore, without expressing any view on the merits of the case, the application is allowed.

It is directed that applicant shall be released from custody upon furnishing a personal bond of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one surety of the like amount to the satisfaction of the Ld. Court below.

The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS in SUO MOTU "W.P. (C) No.1/2020" and ensure that the applicant is examined by the jail doctor before his release. If the applicant shows symptoms of COVID-19, the doctor shall forthwith direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID-19 patients. If the doctor is of the opinion that the applicant is not affected with the virus, the jail authorities shall ensure his transportation from the jail till his place of residence.

It is further made clear that if it is found that the applicant is involved in any other case during the trial, this bail order shall stand cancelled automatically without reference to the Court and the Police will be at liberty to arrest the

applicant.

A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the Ld. Court below.

(VIJAY KUMAR SHUKLA)
JUDGE

soumya

