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

**BEFORE  
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA**

**ON THE 31<sup>st</sup> OF JULY, 2023**

**MISC. CRIMINAL CASE No. 27939 of 2023**

**BETWEEN:-**

1. NARAYAN SINGH S/O DEVI SINGH, AGED ABOUT 29 YEARS, OCCUPATION: AGRICULTURE, R/O GRAM NATHUKHEDI, P.S. NALKHEDA DISTT. AGAR MALWA (MADHYA PRADESH)
2. MAHESH S/O BHAGWANSINGH, AGED ABOUT 22 YEARS, OCCUPATION: AGRICULTURE, R/O GRAM NATHUKHEDI, P.S. NALKHEDA DISTRICT AGAR MALWA (MADHYA PRADESH)
3. SAUDAN SINGH @ BHAGWAN SINGH S/O GANPAT JI, AGED ABOUT 44 YEARS, OCCUPATION: AGRICULTURE, R/O GRAM NATHUKHEDI, P.S. NALKHEDA DISTRICT AGAR MALWA (MADHYA PRADESH)

**.....APPLICANTS**

***(SHRI GOURAV SHRIVASTAVA, LEARNED COUNSEL FOR THE APPLICANTS)***

**AND**

**THE STATE OF MADHYA PRADESH THROUGH POLICE  
STATION NALKHEDA, DISTRICT AGAR MALWA  
(MADHYA PRADESH)**

**.....NON-APPLICANT/STATE)**

***(SHRI SUDHANSHU VYAS, LEARNED PANEL LAWYER FOR THE NON-  
APPLICANT/STATE)***

***(SHRI SATANAND CHOUBAY, LEARNED COUNSEL FOR THE  
RESPONDENT [OBJECTOR].***

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

**ORDER**

Heard with the aid of case diary.

This is first bail application filed under Section 439 of Cr.P.C. for grant of bail to **applicants No.1 - Narayan Singh S/o Devi Singh, No.2 - Mahesh S/o Bhagwansingh and No.3 Saudan Singh @ Bhagwansingh S/o Ganpatji** as they have been arrested on 30.05.2023 in connection with FIR/Crime No.115/2023 registered at P.S.-Nalkheda, District - Agar Malwa(M.P.) for commission of offence punishable under Sections 307, 341, 323, 294, 506/34 of the IPC.

2. As per prosecution case, there was some dispute between both the accused and the complainant party. On 13.04.2023, at around 08.00 a.m., when the complainant - Karansingh, his brother Narayansingh and his nephew Dhirapsingh were sitting in front of their house, at that time, accused persons namely Devisingh, Narayansingh S/o Devisingh and Saudan @ Bhagwansingh armed with iron rod(sabbal), axe and lathi came there and started abusing the complainant and also assaulted complainant Karansingh, Dhirapsingh and Narayansingh by their weapons. Thereafter, when complainant tried to stop them, other accused co-accused persons namely Mahesh, Antarsingh, Mukesh, Rajesh, Gokul armed with wooden stick(lathi) also came there and they also started assaulting the complainant party. In the said incident, complainant Karansingh and Narayansingh had received simple injuries, but Dhirapsingh had received grievous injury on his head/parietal bone. As per allegations, co-accused Devisingh assaulted Dhirapsingh by means of iron rod(sabbal) on his head, accused Narayansingh son of Devisingh and Mahesh assaulted Karansingh by means of lahti, accused Saudansingh @ Bhagwansingh caused injury to Narayansingh by means of lathi and sabbal respectively. The report/FIR to this effect was lodged on the same day against the

accused/applicants and co-accused persons. On the basis of aforesaid, crime has been registered against the applicants.

3 . Learned counsel for the applicants submits that they have not committed any offence and they have been falsely implicated in the case. There was a free fight between the parties. In the incident, the complainant party also assaulted the accused persons. Accused Narayansingh son of Devisingh, Mahesh, Saudansingh @ Bhagwansingh and other co-accused persons namely Mahesh, Antarsingh and Rajesh have also received injury on various parts of their body. Accused Narayansingh son of Devisingh have received grievous injury. Accused party have also lodged the report against the complainant party and Crime No.114/2023 for offence punishable under Sections 326, 341, 323, 294 and 506/34 of IPC has been registered against the complainant party. Applicants are in custody since 30.05.2023. After completion of investigation charge sheet has been filed. Conclusion of the trial will take sufficient time for its disposal. Under these circumstances, prayer is made for grant of bail to the applicants.

4. Per contra, learned Panel Advocate appearing for the respondent/State as well as counsel for the Objector have opposed the prayer and prays for its rejection.

5. Having considered the submissions advanced from counsel for the parties, also considering the facts and circumstances, without commenting on the merits of the case, this Court is of the view that applicants deserves to be enlarged on bail. Hence, both the bail applications are allowed.

6. It is directed that the **applicants No.1 - Narayan Singh S/o Devi Singh, No.2 - Mahesh S/o Bhagwansingh and No.3 Saudan Singh @ Bhagwansingh S/o Ganpatji** be released on bail upon their furnishing

personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)**each with one solvent surety each in the like amount to the satisfaction of the concerned trial Court for their appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during pendency of the trial. It is further directed that applicants shall comply with the provisions of Section 437(3) of Criminal Procedure Code, 1973.

7. The application is allowed and stands disposed of.

C.c. as per rules.

(PRAKASH CHANDRA GUPTA)  
JUDGE

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