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

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

ON THE 31st OF AUGUST, 2023

MISC. CRIMINAL CASE No. 38630 of 2023

BETWEEN:-

**FARID HUSSAIN S/O CHHAPPUKHAJI, AGED ABOUT 45
YEARS, OCCUPATION: LABOUR NAJARBAG, JAORA,
DISTT. RATLAM (MADHYA PRADESH)**

.....APPLICANT

(SHRI NILESH J. DAVE, ADVOCATE FOR THE APPLICANT)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION JAORA CITY,
DISTT. RATLAM (MADHYA PRADESH)**

.....NON-APPLICANT/STATE

(SHRI HEMANT SHARMA, GOVERNMENT ADVOCATE FOR THE STATE)

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

ORDER

Heard with the aid of case diary.

This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicant/accused, relating to FIR/Crime No.255/2023 dated (not mentioned) registered at Police Station Jaora City, District Ratlam (M.P.) for commission of offence punishable under Section 307 of IPC.

2. Prosecution story in brief is that there was illicit relationship between wife of applicant/accused and complainant Mohammad Nizam and both used to like each other before the incident. There was inimical relationship between the applicant and complainant because of the same. On 28.06.2023 at around 09:15

AM, applicant called the complainant for some conversation. Complainant told him to come to his godown. Applicant armed with knife came with an intent to kill, gave 4-5 blows on neck of the complainant because of which he sustained deep incised wound in right side of neck, incised wound on right shoulder, base of neck extending to clavicle region, incised wound on left cheek, incised wound on left ear and incised wound in right hand. The complainant had raised alarm to rescue himself, then Ahmad Hussain and Saif Ali intervened in the matter. While intervening, Saif Ali sustained injury in his hand as well. The complainant was taken to the hospital and the matter was reported to the police.

3. Learned counsel for the applicant/accused submits that the applicant has not committed the offence and he has falsely been implicated in the case. Wife of the applicant went to give tiffin at the spot and the applicant saw her wife at the spot because of which the dispute took place. The complainant had been discharged from the hospital on the same day. He had received simple injuries. The doctor had given opinion that the injuries would have been fatal in nature if were not treated on time. Therefore, offence u/S 307 of IPC is not made out. Applicant is in custody since 28.06.2023. After investigation, charge-sheet has been filed. Trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

4. On the other hand, learned counsel for the State/non-applicant has objected the prayer and submitted that the applicant repeatedly gave blows by means of knife to the complainant. The doctor who has examined the complainant has opined that the nature of injuries are grievous in nature therefore, prime-facie the act of the applicant comes u/S 307 of IPC. The offence is grievous in nature, therefore, he is not entitled for bail.

5. Having considered the rival submissions and after perusal of the case-diary so also considering the facts and circumstances of the case, this Court is of the view that at this stage, it is not a fit case for grant of bail to the applicant. Resultantly, this application for bail is **dismissed**.

(PRAKASH CHANDRA GUPTA)
JUDGE

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