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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 5th OF FEBRUARY, 2024
MISC. CRIMINAL CASE No. 4130 of 2024**

BETWEEN:-

**MUKESH KIRAR S/O SHRI PREMSINGH KIRAR, AGED
43 YEARS, OCCUPATION: FARMER, R/O VILLAGE
JIGSOULI, P.S. PURANI CHHAWANI DISTRICT GWALIOR
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI HEMANT SINGH RANA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION PURANI CHHAWANI DISTRICT GWALIOR
(MADHYA PRADESH)**

.....RESPONDENT

**(BY SHRI RAMADHAR CHOUBEY - PUBLIC PROSECUTOR FOR
RESPONDENT/STATE)
(BY SHRI BIPUL BILGAIYAN - ADVOCATE FOR COMPLAINANT)**

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

ORDER

I.A.No.2072 of 2024, an application under Section 301 (2) of the Cr.P.C. filed on behalf of the complainant is taken up, considered and allowed for the reasons mentioned therein.

Shri Bipul Bilgaiyan, Advocate and his associates are permitted to assist the prosecution

This is the **first** application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to Crime No. 257 of 2023 registered at

Police Station Purani Chhawani, District Gwalior (M.P.) for the offence under Sections 294, 323, 506, 34, 326 of IPC.

Learned counsel for the applicant argued that applicant is an innocent person and has been falsely implicated. The present FIR is counterblast of F.I.R. registered bearing Crime No.259 of 2023. This is a case of free fight and complainant party was a aggressor. The applicant/accused also sustained grievous injuries on account of assault by the complainant party. The applicant is in custody since 17.01.2024. The applicant is permanent resident of District Gwalior. Conclusion of trial is likely to take time and there is no likelihood of his absconsion, if released on bail. On these grounds, he prays for grant of bail to the applicant.

Per contra, learned Public Prosecutor for the respondent/State as well as the counsel for the complainant vehemently opposed the bail application and prayed for its dismissal.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand Only) with one solvent surety** in the like amount to the satisfaction of the trial Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;

- 3) The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicant shall not commit an offence similar to the offence of which he is accused;
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

AK/-