Piyush vs The State Of Madhya Pradesh on 15 January, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:1002

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          IN     THE     HIGH COURT OF MADHYA PRADESH
                            AT INDORE
                            BEFORE
           HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
                    ON THE 15th OF JANUARY, 2025
                  MISC. CRIMINAL CASE No. 56072 of 2024
                            PIYUSH
                            Versus
                 THE STATE OF MADHYA PRADESH
          Appearance:
               Applicant by Shri Sanjay Kumar Sharma - Advocate.
               Respondent - State of Madhya Pradesh by Shri Virendra
          Government Advocate appearing on behalf of Advocate General.
               Complainant - objector by Shri Tarun Kushwah - Advoca

                              ORDER
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This first bail application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 = Section 438 of Code of Criminal Procedure, 1973 has been filed for grant of anticipatory bail by applicant Piyush S/o Lokendra Nagde, who is apprehending his arrest in connection with Crime No.1231 of 2024 registered at Police Station Station Road, Ratlam, District Ratlam (MP) for commission of offences punishable under Sections 115, 296, 351 (1) and 109 of Bhartiya Nyaya Sanhita, 2023.

2. As per the prosecution case, there is an allegation of causing serious injury to the complainant.

3. Learned counsel for the applicant submits that earlier offence under Sections 323, 294 and 506 of Indian Penal Code, 1860 was registered and on NEUTRAL CITATION NO. 2025:MPHC-IND:1002 2 MCRC-56072-2024 receipt of X-Ray report, Section 307 of IPC has been added. The Police was kind enough to grant bail to the applicant from the Police Station itself and now on the opinion of the doctor, this Section 307 of IPC has been added and Police wants to arrest him. There is no likelihood of his absconding or tampering with evidence. He will cooperate with the investigation. On these contentions, learned counsel prays for allowing the application for grant of anticipatory bail.

4. Learned counsel for the respondent - State as well as learned counsel for the complainant - objector oppose the prayer and pray for dismissal of this application.

5. Heard learned counsel for the parties with the aid of case diary.

6. In the aforesaid factual backdrop, this Court is inclined to grant benefit of anticipatory bail to the

applicant. Accordingly, without commenting on the merits of the case, the bail application is allowed.

7. Accordingly, it is directed that in the event of arrest, applicant shall be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with separate solvent surety in the like amount to the satisfaction of the Arresting Officer, for compliance with the following conditions:

> (i) Applicant shall make himself available for investigation as may be directed by the Investigation Officer;
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> (ii) Applicant shall not commit or get involved in any offence of similar nature;
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> (iii) Applicant shall not directly or indirectly make any inducement, NEUTRAL CITATION NO. 2025:MPHC-IND:1002 3 MCRC-56072-2024 threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(iv) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness; and

(v) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C/346 of the BNSS. regarding examination of witnesses in attendance.

8. This order shall be effective till the end of the trial, however, in case of bail jump and / or breach of any of the conditions of bail, this order will come to an end and applicant will be liable to be arrested by the concerned authorities.

9. The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

10. Accordingly, this M.Cr.C. stands allowed and disposed off. Pending interlocutory application, if any, stands disposed off. Certified copy as per rules.

(BINOD KUMAR DWIVEDI) JUDGE rcp