

Shobharam vs The State Of Madhya Pradesh on 7 January, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:292

1
IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
ON THE 7th OF JANUARY, 2025
MISC. CRIMINAL CASE No. 48722 of 2024
SHOBHARAM AND OTHERS
Versus
THE STATE OF MADHYA PRADESH

Appearance:
Applicants by Shri Manish Kumar Vijaywargiya - Advocate
Respondent - State of Madhya Pradesh by Shri Virendra K
Government Advocate appearing on behalf of Advocate General.
Complainant - objector by Shri Sudeel Yadav - Advocate.

ORDER

This first bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) = Section 439 of Code of Criminal Procedure, 1973 (Code) has been filed by applicant No.1 Shobharam S/o Jheeta, applicant No.2 Gulab S/o Situ and applicant No.3 Rahul S/o Shobharam for grant of regular bail in connection with Crime/FIR No.358 of 2024 registered at Police Station Nalchha, District Dhar (MP) for commission of offence punishable under Sections 294, 115 (2), 351 (2), 324 (1), 3 (5) and 118 (2) of Bhartiya Nyaya Sanhita, 2023. The applicants are in jail since 25.10.2024.

2. At the very outset, learned counsel appearing for the applicants prays for permission of this Court to withdraw this application filed on behalf of applicant No.1 Shobharam S/o Jheeta.

3. Prayer is allowed.

4. Accordingly, this application filed for applicant No.1 Shobharam S/o NEUTRAL CITATION NO. 2025:MPHC-IND:292 2 MCRC-48722-2024 Jheeta is dismissed as withdrawn .

5. As per the prosecution case, the allegation against applicant No.2 Gulab S/o Situ and applicant No.3 Rahul S/o Shobharam is that they accompanied applicant No.1 Shobharam S/o Jheeta, who inflicted Axe injury on head of injured Bondarbai, who sustained grievous injury.

6. Learned counsel for the applicants submits that applicants No.2 and 3 are innocent and have falsely been implicated in the crime. It is submitted that the only allegation against Gulab and Rahul is that they accompanied co-accused Shobharam, who inflicted injury on head of injured Bondarbai,

who has not sustained any bony injury. These two applicants have no criminal antecedents and they are in jail since 25.10.2024. No overt act has been attributed to them. Investigation is complete and charge sheet has already been filed. The trial will take time. Therefore, on these miscellaneous grounds, learned counsel prays for grant of bail to applicants No.2 and 3 by allowing the application.

7. Per contra, learned counsel for the respondent / State as well as learned counsel for complainant - objector have vehemently opposed the prayer on the ground that these applicants Gulab and Rahul have also shared common intention with co-accused Shobharam and they have also caused damage to vehicle (motorcycle). Hence, on these grounds learned counsel prays for dismissal of the bail application.

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

9. In the aforesaid factual backdrop, considering the arguments advanced on behalf of the parties and overall circumstances of the case, this Court is inclined to grant benefit of bail to applicants No.2 and 3. Accordingly, without commenting on the merits of the case, bail application filed on behalf of applicant No.2 Gulab S/o Situ and applicant No.3 Rahul S/o Shobharam is allowed.

NEUTRAL CITATION NO. 2025:MPHC-IND:292 3 MCRC-48722-2024

10. It is directed that applicant No.2 Gulab and applicant No.3 Rahul be released on bail upon each of them furnishing a 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 trial Court, for their regular appearance before the concerned Court for speedy disposal of the case, on all the dates fixed by the said Court, without any default, during trial. These applicants will abide by Section 480 (3) of BNSS = 437 (3) of Code. They will not indulge in criminal activities and not use threat upon any witness material for the case. In case of breach of any of the conditions of bail, the order passed by this Court shall come to an end without further reference to this Court and the applicants may be arrested.

11. 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, it shall become ineffective.

12. Accordingly, this M.Cr.C. stands allowed and disposed off. Certified copy, as per rules.

(BINOD KUMAR DWIVEDI) JUDGE rcj