

# Subhash vs The State Of Madhya Pradesh on 5 February, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:2943

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IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI  
ON THE 5<sup>th</sup> OF FEBRUARY, 2025  
MISC. CRIMINAL CASE No. 4384 of 2025  
SUBHASH AND OTHERS  
Versus  
THE STATE OF MADHYA PRADESH  
Appearance:  
Applicants by Shri Padmnabh Saxena - Advocate.  
Respondent - State of Madhya Pradesh by Shri Kshitij  
Government Advocate appearing on behalf of Advocate General.

## 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 for grant of regular bail by applicant No.1 Subhash S/o Punnja Singad and applicant No.2 Ishwar S/o Ramesh Singad, who have been arrested on 23.10.2024 in connection with Crime/FIR No.626 of 2024 registered at Police Station Thandla, District Jhabua MP) for commission of offence under Sections 103 (1) and 238 of Bhartiya Nyaya Sanhita, 2023.

2. Learned counsel for the applicants submits that this is a case of no eye witness account. The applicants have falsely been implicated in the case merely on the basis of suspicion. The commission of offence is alleged only by prosecution witnesses Govind and Bahadur, who have stated that they NEUTRAL CITATION NO. 2025:MPHC-IND:2943 2 MCRC-4384-2025 have seen deceased Dinesh in the company of these applicants. Only one motorcycle has been recovered from Subhash, which is owned by himself and clothes have been recovered from Ishwar, but there is no blood stains or any FSL report on those clothes. Learned counsel further submits that the applicants are suffering incarceration since 23.10.2024. They will abide by the terms and conditions which may be imposed on them, if they are enlarged on bail. Investigation is complete and charge sheet has already been filed. The trial will take time. On these premises, learned counsel prays for grant of bail to the applicants by allowing the application.

3. Per contra, learned counsel for the respondent / State has vehemently opposed the prayer and prays for dismissal of the bail application.

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

5. In the aforesaid factual backdrop, considering the arguments advanced on behalf of the parties and overall circumstances of the case as well as looking to the evidence in entirety along with the fact that investigation is complete and charge sheet has already been filed and the applicants are suffering incarceration since 23.10.2024, this Court is inclined to grant benefit of bail to the applicants. Accordingly, without commenting on the merits of the case, bail application is allowed.

6. It is directed that the applicant be released on bail upon each of them 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 trial Court, for their regular appearance before the NEUTRAL CITATION NO. 2025:MPHC-IND:2943 3 MCRC-4384-2025 concerned Court for speedy disposal of the case, on all the dates fixed by the said Court, without any default, during trial. The applicants will abide by the conditions enumerated under Section 480 (3) of BNSS = 437 (3) of Code.

7. 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.

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

(BINOD KUMAR DWIVEDI) JUDGE rcg