

Himanshu @ Lalu vs The State Of Madhya Pradesh on 7 March, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:6074

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
ON THE 7th OF MARCH, 2025
MISC. CRIMINAL CASE No. 8732 of 2025
HIMANSHU @ LALU
Versus
THE STATE OF MADHYA PRADESH

Appearance:
Applicant by Shri Yogesh Kumar Gupta - Advocate.
Respondent - State of Madhya Pradesh by Shri Komal Si
Advocate appearing on behalf of Advocate General.
Complainant - objector by Shri Ashutosh Nimgaonkar -

ORDER

This first bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (equivalent to Section 439 of Cr.P.C.) has been filed by applicant Himanshu @ Lalu S/o Shri Rajesh Ji Sharma for grant of regular bail, who has been arrested on 11/02/2025 in connection with Crime No.55/2025 registered at Police Station Heera Nagar, Indore District Indore (M.P.) for commission of offences under Sections 109, 296, 351 (2) and 3 (5) of Bhartiya Nyaya Sanhita, 2023 and also under Section 25 of Arms Act, 1959.

2. Learned counsel for the applicant submits that the alleged incident took place on 06.02.2025 wherein injured Adarsh Soni has been stabbed by co-accused Sunil. The only allegation against the applicant is that he has NEUTRAL CITATION NO. 2025:MPHC-IND:6074 2 MCRC-8732-2025 also assaulted injured with kicks and fists. Nothing has been recovered from the applicant. No custodial interrogation is required. The applicant is suffering incarceration since 11.02.2025. There is no sufficient evidence available on record to establish the complicity of the accused with the alleged crime. There is no likelihood of his absconsion leaving his family, home and profession and also there is no likelihood of tampering with evidence by applicant. Final conclusion of the trial will take considerable long time, therefore, learned counsel prays for allowing the bail application and for grant of bail.

3. Learned counsel appearing for the complainant - objector opposed the prayer on the ground that the present applicant was entertaining previous enmity with Sunil and he brought co-accused Sunil on his motorcycle who has stabbed the injured. Investigation is still not complete. Therefore,

learned counsel prays for dismissal of the bail application.

3.1 Per contra, learned counsel for the respondent / State has also vehemently opposed the prayer on the ground that there is one more criminal antecedent under Sections 323, 294 and 506 of IPC against the present applicant and prays for dismissal of the bail application.

4. Heard learned counsel for the parties and perused the case diary.

5. In the aforesaid factual backdrop and looking to the evidence in entirety and the role attributed to the applicant in the present case, this Court is inclined to grant benefit of bail to the applicant. Accordingly, without commenting on the merits of the case, the bail application is allowed.

6. It is directed that the applicant be released on bail upon his NEUTRAL CITATION NO. 2025:MPHC-IND:6074 3 MCRC-8732-2025 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 his regular appearance before the concerned Court on all the dates fixed by the said Court, without any default, during trial. He shall abide by all the conditions enumerated under Section 480 (3) of BNSS.

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, the prosecution will be at liberty to move appropriate application for cancellation of bail.

8. The concerned Court shall get the 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.

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

(BINOD KUMAR DWIVEDI) JUDGE rcp