

Omprakash Mogiya vs The State Of Madhya Pradesh on 12 March, 2025

NEUTRAL CITATION NO. 2025:MPHC-GWL:6067

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IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI
ON THE 12th OF MARCH, 2025
MISC. CRIMINAL CASE No. 10261 of 2025
OMPRAKASH MOGIYA AND OTHERS
Versus
THE STATE OF MADHYA PRADESH
Appearance: (Heard through V.C.)
Shri Harshit Raghuwanshi - Advocate for the applicant
Shri Harish Sharma - Public Prosecutor for respondent

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 applicants Omprakash Mogiya & Pramod Mogiya for grant of regular bail, who have been arrested on 07.02.2025 in connection with Crime No.19/2025 registered at Police Station Jamner, District Guna (M.P.) for commission of offences under Sections 109 and 3 (5) of Bhartiya Nyaya Sanhita, 2023.

2. Learned counsel for the applicants submits that no motive has been assigned for causing injury to the injured Golu. Applicants have been falsely implicated in the case. They are in custody since 07.02.2025. No custodial interrogation is required. Alleged weapon lohngi has already been seized. He further submits that injury found on the head of the injured is not life threatening and no previous criminal antecedent is registered against the NEUTRAL CITATION NO. 2025:MPHC-GWL:6067 2 MCRC-10261-2025 present applicants. There is no likelihood of their absconding leaving their family, home and profession and also there is no likelihood of tampering with evidence by applicants. 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. Per contra, learned counsel for the respondent/State has vehemently opposed the prayer on the ground that investigation is still going on and FSL has also been sent but report has not been received so far 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 no motive is apparent for causing the injury to the injured, this Court is inclined to grant benefit of bail to the applicants. Accordingly, without commenting on the merits of the case, the bail application is allowed.

6. It is directed that the applicants be released on bail upon his furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One Lac Only) each with separate solvent surety in the like amount to the satisfaction of the trial Court, for their regular appearance before the concerned Court on all the dates fixed by the said Court, without any default, during trial. They 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.

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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 Adnan