

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

NEUTRAL CITATION NO. 2025:MPHC-IND:406

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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 JANUARY, 2025
MISC. CRIMINAL CASE No. 56225 of 2024
BANSHILAL AND ANOTHER
Versus
THE STATE OF MADHYA PRADESH

Appearance:
Applicants by Shri Ashish Gupta - 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 = Section 439 of Code of Criminal Procedure, 1973 has been filed for grant of regular bail by applicant No.1 Banshilal S/o Gyaansingh and applicant No.2 Geetabai W/o Banshilal, who have been arrested on 17.09.2024 in connection with Crime/FIR No.472 of 2024 registered at Police Station Bhikangaon, District Khargone (MP) for commission of offence punishable under Sections 103 (3) and 3 (5) of Bhartiya Nyaya Sanhita, 2023.

2. Learned counsel for the applicants submits that mere allegation on present applicants Banshilal and Geetabai is that they have assaulted the deceased Banty with wooden sticks, but that is not the cause of the death. The investigation is complete and charge sheet has already been filed. The NEUTRAL CITATION NO. 2025:MPHC-IND:406 2 MCRC-56225-2024 trial will take time, therefore, learned counsel prays for releasing the applicants on bail by allowing the present application.

5. Per contra, learned counsel for the respondent / State has vehemently opposed the prayer on the ground that these applicants have brutally assaulted the deceased, therefore, they may not be extended the benefit of bail; and prays for dismissal of the bail application.

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

7. In the aforesaid factual backdrop and considering the arguments advanced on behalf of the parties, when the cause of death cannot be solely attributed on account of injuries caused by the applicants to the deceased and as per the prosecution story, he (the deceased) was pushed by

co-accused Mamtabai, therefore, he had fallen from the roof, due to which, he succumbed to the injuries. Thus, this Court is inclined to release the applicants on bail. Hence, without touching merits of the matter, the bail application is allowed.

8. Accordingly, it is directed that the applicants 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 on all the dates fixed by the said Court for speedy disposal of the case, without any default, during trial. The applicants will abide by conditions enumerated under Section 480 (3) of BNSS = 437 (3) of Code.

9. This order shall be effective till the end of the trial, however, in case NEUTRAL CITATION NO. 2025:MPHC-IND:406 3 MCRC-56225-2024 of bail jump and / or breach of any of the conditions of bail, it shall become ineffective.

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

(BINOD KUMAR DWIVEDI) JUDGE rcp