

Shahid vs The State Of Madhya Pradesh on 29 January, 2025

Author: Prakash Chandra Gupta

Bench: Prakash Chandra Gupta

NEUTRAL CITATION NO. 2025:MPHC-IND:2367

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA
ON THE 29th OF JANUARY, 2025
MISC. CRIMINAL CASE No. 56170 of 2024
SHAHID
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Shri Rakesh Kumar Sharma, counsel for the applicant.
Shri Romil Verma, counsel for the non-applicant/State.

ORDER

Heard with the aid of case diary.

Applicant has filed the first bail application under Section 439 of Code of Criminal Procedure, 1973/483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of bail to the applicant/accused, relating to FIR/Crime No.575/2024 dated (date not mentioned) registered at Police Station - Civil Lines, District

- Dewas (M.P.) for commission of offence punishable under Sections 325 of BNS 2023, read with Section 4, 9 of MP Govansh Vadh Pratishedh Adhiniyam, 2004 and Section 25 of Arms Act, 1959.

2. The prosecution story in brief is that on 03.09.2024, a decomposed body of dead cow was found lying on a sewage. Thereafter an FIR was lodged against unknown persons. During investigation, the present applicant and co-accused persons were arrested and their memorandum statements were recorded. During investigation, it was also revealed that the present applicant NEUTRAL CITATION NO. 2025:MPHC-IND:2367 2 MCRC-56170-2024 was also involved in the crime.

3. Counsel for the applicant submits that the applicant/accused has not committed the offence and he has falsely been implicated in the case. It is submitted that there is no direct evidence available against the applicant in this case and the entire case is based on circumstantial evidence. It is also submitted that there is no legal evidence available in this case to connect the applicant in the crime

and only a knife has been recovered from him. The applicant is in custody since 04.10.2024. The investigation is complete and charge-sheet has been filed. Conclusion of trial will take sufficient long time for its disposal, therefore, it is prayed that present applicant/accused be released on bail.

4. On the other hand, counsel for the non-applicant/State has opposed the prayer by submitting that the applicant has 26 criminal antecedents and therefore the applicant is not entitled to be released on bail.

5. Having considered the rival submissions and after perusal of the case diary and so also considering the facts and circumstances of the case, this Court is of the view that applicant deserves to be enlarged on bail, hence, without commenting on the merits of the case, the application is allowed.

6. It is directed that applicant - Shahid shall be released on bail on his furnishing a personal bond for a sum of Rs.50,000/-(Rupees Fifty thousand only) along with one solvent surety in the like amount to the satisfaction of the concerned Court, for his appearance before the concerned Court regularly on all such dates as may be fixed in this regard during trial. It is further directed that applicant shall comply with the provisions of Section 437(3) of NEUTRAL CITATION NO. 2025:MPHC-IND:2367 3 MCRC-56170-2024 Cr. P.C./ 480(3) of BNSS.

7. This order shall be effective till the end of trial but in case of bail jump, it shall become ineffective.

8. With the aforesaid, this application is allowed and stands disposed of.

Certified copy, as per Rules.

(PRAKASH CHANDRA GUPTA) JUDGE Arun/-