

Mukesh Kanware vs The State Of Madhya Pradesh on 3 March, 2025

Author: Dinesh Kumar Paliwal

Bench: Dinesh Kumar Paliwal

NEUTRAL CITATION NO. 2025:MPHC-JBP:9765

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL
ON THE 3rd OF MARCH, 2025
MISC. CRIMINAL CASE No. 9777 of 2025
MUKESH KANWARE
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri K. N. Fakhruddin - Advocate for the applicant.
Shri S. M. Patel - Panel Lawyer for respondent.

ORDER

This first bail application under Section 483 of BNSS, 2023/439 of Cr.P.C has been filed by the applicant for grant of regular bail relating to FIR No.18/2025 dated 30.1.2025 registered at Police Station Birsa, District Balaghat(M.P.) for the offence punishable under Section 105 of Bhartiya Nyaya Sanhita, 2023. Applicant is in detention since 31.01.2025.

2. As per the prosecution story, on 27.1.2025 at around 8.30 P.M. present applicant took Rekhu Pancheshwar with him for unloading the sands. In the way, they consumed liquor. It is alleged that applicant despite having knowledge that Rekhu Pancheshwar is heavily drunk, drove the tractor rashly, due to which left leg of Rekhu Pancheshwar got injured with big tyre of tractor but applicant-Mukesh despite having knowledge of Rekhu Pancheshwar's injury, left him alone in the tractor and proceeded towards home. As Rekhu Pancheshwar was not taken for medical treatment and NEUTRAL CITATION NO. 2025:MPHC-JBP:9765 2 MCRC-9777-2025 remained lying on tractor through out the night, he lost his life. FIR was registered.

3. Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent. He has been falsely implicated. No offence is made out. Deceased was in drunken condition. It is not clear as to how he has died. In fact he sustained injury in his left leg and died due to excessive bleeding. He has nothing to do with the death of deceased. On the aforesaid pretext, it is

prayed that applicant may be released on bail pending the trial.

4. On the other hand, learned counsel for the State has opposed grant of bail to the applicant.

5. Having taken into consideration all the facts and circumstances of the case, but without expressing any opinion on the merits of the case, I am inclined to release the applicant on bail. Consequently, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands allowed.

6. It is directed that applicant - Mukesh Kanware be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

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7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rule (DINESH KUMAR PALIWAL) JUDGE mrs. mishra