

Rohit@Roopchand vs The State Of Madhya Pradesh on 7 January, 2025

NEUTRAL CITATION NO. 2025:MPHC-IND:407

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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. 52126 of 2024
ROHIT@ROOPCHAND
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Applicant by Shri Syed Asif Warsi - Advocate.
Respondent - State of Madhya Pradesh by Shri Tarun Pa
Government Advocate appearing on behalf of Advocate General.
Complainant - objector by Shri Balkrishna Royal - Adv
of Shri Nilesh J. Dave - Advocate.

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 Rohit @ Roopchand S/o Balmukund, who has been arrested on 27.10.2024 in connection with Crime/FIR No.185 of 2024 registered at Police Station Nayi Abadi, Mandsaur District Mandsaur (MP) for commission of offence punishable under Sections 109 and 3 (5) of Bhartiya Nyaya Sanhita, 2023 and also under Section 25 read with Section 27 of Arms Act, 1959.

2. As per the prosecution story, it is a case of attempting murder of complainant; and the allegation against applicant is that he used to keep an NEUTRAL CITATION NO. 2025:MPHC-IND:407 2 MCRC-52126-2024 eye on the complainant upon the directions of co-accused Shivraj Singh @ Bhomu and has arranged a pistol about five months ago for commission of offence.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. It is submitted that the present applicant has not assaulted injured complainant Krishnapal S/o Laxmansingh. He has not been named in the FIR. The investigation is complete and charge sheet has already been filed. The trial will take time, therefore, learned counsel prays for releasing the applicant on bail by allowing the present application.

4. Learned counsel for the complainant - objector has opposed the prayer on the ground that the applicant is the main conspirator of the crime.

He has also provided weapon for commission of offence to main accused Shivraj Singh, who fired on the complainant. Therefore, learned counsel prays for rejection of the application.

5. Per contra, learned counsel for the respondent / State has vehemently opposed the prayer 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 and overall circumstances of the case and taking into account the fact that the main assault has been made by co- accused Shivraj Singh and other two accused persons have already been enlarged on bail, this Court is inclined to release the applicant on bail. Thus, NEUTRAL CITATION NO. 2025:MPHC-IND:407 3 MCRC-52126-2024 without commenting on merits of the matter, the bail application is allowed.

8. Accordingly, it is directed that the applicant be released on bail upon his 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 for speedy disposal of the case, without any default, during trial. The applicant 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 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. Pending interlocutory application, if any, stands disposed off. Certified copy, as per rules.

(BINOD KUMAR DWIVEDI) JUDGE rcp