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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH**

**ON THE 24<sup>th</sup> OF APRIL, 2024**

**MISC. CRIMINAL CASE No. 11006 of 2024**

**BETWEEN:-**

**KRISHNAPAL S/O BALU @ BALARAM, AGED ABOUT 25  
YEARS, OCCUPATION: AGRICULTURE R/O VILLAGE  
TILGAARA P.S. THANA BADNAWAR DISTT.DHAR  
(MADHYA PRADESH)**

**.....APPLICANT**

**(SHRI ANSHUL RAJPUROHIT, ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH STATION HOUSE  
OFFICER THROUGH POLICE STATION BADNAWAR  
DISTT. DHAR (MADHYA PRADESH)**

**.....RESPONDENTS**

**(SHRI SURENDRA GUPTA, G.A.)**

*This application coming on for admission this day, the court passed the following:*

**ORDER**

Heard and perused the case diary.

This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to Crime No.494/2023, registered at P.S.- Badnawar, District-Dhar (M.P.) for the offence punishable under Sections 302, 324, 307, 323, 294, 506, 34 of IPC, 1860. The applicant is in detention since 02.08.2023.

2. The allegation against the applicant is that he along with other accused persons hurled abuses upon complainant, thereafter co-accused the present

applicant assaulted complainant's uncle (*thavu*) Jagdish with iron rod due to which he sustained injury. Thereafter injured Jagdish was hospitalized wherein he died during treatment.

3. Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in this crime. FIR was initially lodged under Sections 324, 294, 323, 506, 34 of IPC but after death of the deceased Section 302 of IPC has been aggravated. There was no intention to cause death, however, the injured expired unfortunately. Co-accused persons have been granted bail by this Court. The applicant is in custody since 02.08.2023. The conclusion of the trial is likely to take sufficient long time, therefore, it is prayed that the application be allowed and the applicant be released on bail.

4. Learned counsel for the State has vehemently opposed the prayer by submitting that applicant is the main accused and due to the injury caused by him, the deceased died, hence no case is made out for grant of bail to the applicant.

5. Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, the nature of the allegations, but without commenting on the merits of the case, the application filed by the applicant is allowed.

6. It is directed that the applicant be released on bail on his/her 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, to appear before the trial Court on the dates given by the Court. The applicant shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

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 rules.

**(PREM NARAYAN SINGH)**  
**JUDGE**

VD

