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

**BEFORE
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA**

ON THE 26th OF APRIL, 2024

MISC. CRIMINAL CASE No. 13966 of 2024

BETWEEN:-

1. **DINESH PRAJAPAT S/O RAMRATAN PRAJAPAT, AGED ABOUT 45 YEARS, OCCUPATION: FARMER VILLAGE GHATABILLOD DISTT. DHAR (MADHYA PRADESH)**
2. **MUKESH PRAJAPAT S/O RAMESH CHANDRA PRAJAPAT, AGED ABOUT 42 YEARS, OCCUPATION: BUSINESS VILLAGE GHATABILLOD, DISTRICT DHAR (MADHYA PRADESH)**
3. **VINOD PRAJAPAT S/O BABULAL PRAJAPAT, AGED ABOUT 35 YEARS, OCCUPATION: SERVICE VILLAGE GHATABILLOD, DISTRICT DHAR (MADHYA PRADESH)**
4. **GOKUL PRAJAPAT S/O BABULAL PRAJAPAT, AGED ABOUT 25 YEARS, OCCUPATION: SERVICE VILLAGE GHATABILLOD, DISTRICT DHAR (MADHYA PRADESH)**
5. **ANIL PRAJAPAT S/O TEJRAM PRAJAPAT, AGED ABOUT 32 YEARS, OCCUPATION: FARMER VILLAGE AAMLI, BETMA DISTRICT INDORE (MADHYA PRADESH)**

.....APPLICANTS

(SHRI VIBHOR KHANDELWAL, ADVOCATE)

AND

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

.....NON-APPLICANT/STATE

(SHRI RAHUL SOLANKI, GOVERNMENT ADVOCATE)

(SHRI SUSHIL YADUWANSHI, S.I. P/S PITHAMPUR, DIST. DHAR PRESENT)

IN PERSON

This application coming on for order this day, the Court passed the following:

ORDER

Heard with the aid of case diary.

This is first application filed under Section 439 of Cr.P.C. for grant of bail to the applicants/accused, in connection with FIR/Crime No.107/2024 Date:- (Not mentioned) registered at Police Station Pithampur, District Dhar (M.P.) for commission of offence punishable under Section 302/34 of IPC.

2 . Prosecution story in brief is that on 24.02.2024, brother of the deceased/complainant Jayesh lodged an FIR stating that on 23.02.2024 at around 10:30 PM, he alongwith his friend Gagan and Chetan was present at Dehri Saray square. At that time, the deceased Deepak was passing by motorcycle and a marriage procession was passing by as well. Participants of the procession, applicants Dinesh, Mukesh, Vinod, Gokul, Anil and their friends pushed the deceased, in consequence of which the deceased fell down from the motorcycle. Thereafter, the accused persons assaulted the deceased by kicks and fists. When the complainant alongwith his friends came to intervene, then the accused persons had assaulted them as well. The deceased sustained injuries on his eye, back of the head, hands and feet. The deceased was taken to medical clinic at village Ghatabillod. After being referred, he was taken to Unique Hospital Indore, where he died. The matter was reported against the applicants.

3. Learned counsel for the applicants/accused persons submits that the applicants have not committed the offence and have falsely been implicated in the case. As per merg intimation which was recorded on the same night at 00:56

AM at P/S Annapurna, Indore, the complainant had taken the injured as he had sustained injuries in the motor accident and he died during medical examination on 23/02/2024 at 11:55 PM. It is also submitted that as per statement recorded u/S 161 of Cr.P.C. of Brij Mohan, Ishwar Yadav and Om Prakash, the deceased who was driving his motorcycle rashly and negligently had crashed it into the motorcycle of Om Prakash, in consequence of which he sustained injuries. It is also submitted that CCTV footage collected by the prosecution during investigation which were installed nearby the spot and copy of the footage has been provided to the applicants alongwith the charge-sheet has also revealed that two motorcycles had collided with each other at the time of the incident. It is also submitted that at the latter stage, the applicants are implicated in the case wrongfully by brother of the deceased and his friends. Applicant Dinesh Prajapati is in custody since 26.02.2024 and other applicants are in custody since 24.02.2024. After completion of investigation, charge-sheet has been filed. Trial will take considerable long time for its disposal, therefore, it is prayed that the applicants be released on bail.

4. On the other hand, learned counsel for the non-applicant/State has opposed the prayer and prayed for rejection of the application.

5. Having considered the rival submissions and after perusal of the case diary so also considering the facts and circumstances of the case and the allegations made against the applicants, without commenting on the merits of the case, this Court is of the view that applicants deserve to be enlarged on bail. Hence, the application is **allowed**.

6. It is directed that the applicants - **Dinesh, Mukesh, Vinod, Gokul & Anil** shall be released on bail upon their furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety**

each in the like amount to the satisfaction of the concerned Trial Court for their appearance before the Trial Court on all such dates as may be fixed in this behalf by the Trial Court during pendency of the trial. It is further directed that applicants shall comply with the provisions of Section 437(3) of Criminal Procedure Code, 1973.

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.

gp



(PRAKASH CHANDRA GUPTA)
JUDGE