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

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

ON THE 24th OF APRIL, 2024

MISC. CRIMINAL CASE No. 16466 of 2024

BETWEEN:-

**ASHUTOSH S/O NARENDRA, AGED ABOUT 38 YEARS,
OCCUPATION: LABOUR VILL.- DHANDHALPURA, DISTT.
INDORE (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI NEERAJ GAUR - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION DWARAKAPURI DISTRICT INDORE (MADHYA
PRADESH)**

.....RESPONDENT

(BY SHRI PRASHANT JAIN - ADVOCATE)

.....

*This application coming on for admission 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 applicant/accused, relating to FIR/Crime No.437/2020 dated (not mentioned) registered at Police Station- Dwarkapuri, District-Indore (M.P.) for commission of offence punishable under Sections 326,324,323,294,506,34 of IPC and Section 25 of the Arms Act.

2. Prosecution story, in brief is that, on 29.08.2020 the present applicant and co-accused Akash caught hold the injured Bittu @ Vijendra and thereafter co-accused Akash assaulted the injured by means of *falia*. The injured

sustained injuries on his chest and head. Earlier an FIR was lodged under Section 324, 323, 294, 506 and 34 of IPC and Section 25 of the Arms Act and the present applicant and co-accused were granted bail. Thereafter, on receiving the medical report, it was found that injured received grievous injuries, therefore, Section 326 of IPC was added.

3. Learned counsel for the applicant/accused submits that the applicant has not committed the offence and he has falsely been implicated in the case. It is submitted that without service of notice, the police had filed charge sheet against the applicant, therefore, the applicant was not present before the trial Court. Thereafter, an arrest warrant was issued against him and he was arrested on 06.04.2024 and since then he is in custody. It is also submitted that learned trial Court has granted bail to the co-accused Akash. The case of the present applicant is identical to that of co-accused. Conclusion of trial will take considerable long time for its disposal, therefore, it is prayed that the applicant be released on bail.

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

5. Having considered the rival submissions and after perusal of the case diary so also looking to 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-**Ashutosh** shall be released on bail on his furnishing a personal bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of 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 Cr.P.C.

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

RJ

