

(2021) 08 MP CK 0010

Madhya Pradesh High Court (Indore Bench)

Case No: Miscellaneous Criminal Case No.38610 Of 2021

Nirmala And Others

APPELLANT

Vs

State Of Madhya
Pradesh

RESPONDENT

Date of Decision: Aug. 4, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 438, 438(2)
- Indian Penal Code, 1860 - Section 34, 294, 323, 324, 326, 506

Hon'ble Judges: Anil Verma, J

Bench: Single Bench

Advocate: Abhay Saraswat, Shalabh Sharma

Final Decision: Disposed Of

Judgement

Anil Verma, J

This is first application by the applicant under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail as they are

apprehending their arrest in connection with Crime No. 409/2021 registered at P.S- Petlawad District - Jhabua for commission of offence punishable

under sections 294, 323, 506, 34, 324, 326 of IPC.

As per prosecution story, on dated 04/07/2021, complainant Sarita lodged a report before police station that around 03:20 pm, she were working in the

agricultural field along with her mother in law Hiribai and husband Mahesh. At that time, her sister-in-law Nirmala came there and started abusing

them and raised dispute of not giving water from water well in the field. Thereafter, she came and caused stone injury to Hiribai by using stone When

Mahesh came to intervene, accused Lokesh and Gopal gave blow of axe to Mahesh. As a result of which, he sustained serious head injury.

Thereafter, Pooja, Rishi and Nirmala caused injury to Hiribai by using stone as weapon. Thereafter, all accused persons threatened to kill them and

fled away from the spot. Therefore, the police registered aforementioned offence against the present applicants.

Learned counsel for the applicants submits that the applicants are young ladies aged 30 and 28 years old respectively. They have falsely implicated in

this offence. Cross-case has also been registered at Crime no. 408/2021 against the complainant party. Main allegation of inflicting injury is against

accused Lokesh and Gopal who caused injuries by axe. Allegation against the present applicants is of causing injury by stones to the complainant.

Final conclusion of trial will sufficiently long time.

Under the above circumstances, learned counsel prays for grant of anticipatory bail to the applicants.

Per contra, learned PL for respondent " State opposes the bail application and prays for its rejection by contending that on the basis of allegations

and material available on record, no case is made out for grant of anticipatory bail to the applicant.

Perused the impugned order of the trial Court as well as the case diary..

Considering the aforesaid submissions made by learned counsel for the parties, nature of allegations against the applicants and other facts and

circumstances of the case, as also the fact that the applicants are young ladies and they have not used any deadly weapons at the time of the incident

and the serious injuries sustained by injured Mahesh were caused by co-accused Lokesh by using axe; the applicants have no criminal past and cross-

case has also been registered against the complainant party, I deem it proper to allow the this application.

Accordingly, without commenting on the merits of the case, present anticipatory bail application is allowed.

Accordingly, it is directed that, in the event of arrest, applicant Smt Nirmala and Smt Pooja be released on anticipatory bail on their furnishing personal

bail bond in the sum of Rs.60,000/- (Rs. Sixty Thousand) each along with one surety each in the like amount to the satisfaction of arresting officer for

their appearance before the Investigating Officer during the course of investigation as and when directed.

Conditions of Section 438(2) Cr.P.C. shall also apply on the applicants during currency of bail.

With the aforesaid, the application stands disposed of.

Certified copy, as per rules.