

Pradhuman Vs State Of Madhya Pradesh

Miscellaneous Criminal Case No. 50132 Of 2023

Court: Madhya Pradesh High Court (Gwalior Bench)

Date of Decision: Nov. 6, 2023

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 173, 309, 438#Indian Penal Code, 1860 " Section 34, 294, 307, 323, 324, 506

Hon'ble Judges: Sanjeev S Kalgaonkar, J

Bench: Single Bench

Advocate: Brijendra Singh, Kuldeep Singh

Final Decision: Allowed

Judgement

Sanjeev S Kalgaonkar, J

The first bail application has been filed by the applicant under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the

applicant, who is apprehending his arrest in connection with Crime No.444 of 2023, registered at Police Station Aron, District Guna (M.P.) for offence

punishable under Sections 294, 323, 324, 506/34 and 307 of IPC.

According to the prosecution case, Manoj Dhakad reported to PS - Arond District Guna that there is land dispute between the accused and his family.

Around 8'O clock in the night, on 03.07.2023, his uncles Gajendra, Kallu and Bundel Singh had gone to agricultural field, on around 9:30 PM, he went

to agricultural field. There he saw that Pushpendra @ Bhura, Praduman, Badal and Geeta Bai armed with lathi were abusing Gajendra, Kallu and

Bundel. As he tried to intervene, Pushpendra assaulted with lathi. Other accused assaulted Ruby, Ramabai, Gajendra and Bundel. Kamlesh also

arrived on the spot armed with lathi and assaulted Kallu. All the accused threatened to kill them. On such allegations, PS- Aron registered FIR at

Crime No.444/2023 for offence punishable under Sections 294, 323, 324, 506/34 of IPC. On the basis of medical evidence, prosecution for offence

punishable under Section 307 of IPC was added. Applicant is apprehending his arrest in the matter.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant is aged around 20 years and he has

falsely been implicated in the matter. Only allegation against the applicant is to push Kallu during the scuffle. It was a family land dispute which

converted into altercation, wherein both the parties have suffered injuries. No criminal antecedent is reported against the applicant. Applicant is an

agriculturist by profession. There is no likelihood of his absconding leaving behind his family and home. There is no likelihood interfering with the

investigation or tampering with the evidence. No custodial interrogation is required in the matter against the applicant. Jail incarceration on false

implication would bring social disrepute and hardship to the young applicant and his family. Applicant is ready to cooperate with the investigation. The

trial would take time to complete. Co-accused persons, namely, Vinod Dhakad and Geeta Bai have already been extended benefit of anticipatory bail

by co-ordinate Bench of this Court vide orders dated 26.09.2023 and 04.10.2023 passed in MCRC Nos., 43051/2023 and 42668/2023 respectively.

The case is identical to the aforesaid co-accused persons. On the ground to parity, applicant also deserves to be extended the benefit of anticipatory

bail.

Per contra, learned Counsel for the State opposes the application on the ground of gravity of alleged offence.

Heard learned counsel for the parties and perused the case diary. Considering the arguments advanced by both the parties and overall circumstances

of the case, regard being had to the young age of the applicant, but without commenting on merits of the case, this Court is inclined to grant

anticipatory bail to the applicant. Thus, the application is allowed.

Accordingly, it is directed that in the event of arrest of applicant Pradhuman shall be released on bail in relation to Crime No.444 of 2023, registered at

Police Station Aron, District Guna (M.P.) for offence punishable under Sections 294, 323, 324, 506/34 and 307 of IPC, upon furnishing a personal

bond in the sum of Rs.50,000/-(Rupees Fifty Thousand Only) with one solvent surety of the same amount to the satisfaction of the officer making

arrest, for compliance with the following conditions:

- (1) Applicant shall make himself available for investigation as may directed by the officer, in-charge of investigation;
- (2) Applicant shall not commit or get involved in any offence of similar nature;
- (3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the police officer;
- (4) Applicant shall not directly or indirectly attempt to temper with the evidence or allure, pressurize or threaten the witness;

(5) Upon submission of final report under Section 173 of Cr.P.C, the applicant shall furnish fresh personal bond and solvent surety of aforementioned

amount to the satisfaction of the Trial Court, if so directed and thereafter, shall remain present on every date of hearing as may be directed by the

concerned Court;

(6) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance;

(7) The applicant shall mark his presence before S.H.O. Police Station Arond, District Guna on first week of every month till conclusion of

investigation.

This order shall be effective till the end of trial. However, in case of breach of any of the pre-condition of bail, it shall become ineffective without

reference to the Court.

C.C. as per rules.