
Dharmveer Singh @ Matu Vs State Of Madhya Pradesh

Miscellaneous Criminal Case No. 50518 Of 2023

Court: Madhya Pradesh High Court (Gwalior Bench)

Date of Decision: Nov. 7, 2023

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 147, 148, 149, 307, 332, 427# Prevention Of Damage To Public Property Act, 1984 " Section 3

Hon'ble Judges: Sunita Yadav, J

Bench: Single Bench

Advocate: Pradeep Katare, Rajendra Singh Yadav

Final Decision: Allowed

Judgement

Sunita Yadav, J

This is the first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No.383 of 2023 registered at Police

Station University, District Gwalior (M.P.) for the offence under Sections 307, 332, 427, 147, 148 and 149 of IPC and Section 3 of Prevention to

damage to public property.

Allegation against the present applicant is that he along with other co-accused persons formed an unlawful assembly and in common furtherance tried

to commit murder of injured Mukesh by inflicting injuries.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. Name of the present applicant is not mentioned

in the FIR. Role of inflicting injuries to Mukesh on the head by means of iron pipe is not attributed to the present applicant. Further argument is that

applicant is in custody since 26.9.2023. After conclusion of Investigation, charge-sheet has already been filed, therefore, there is no requirement of

further custodial interrogation of the applicant.

Applicant is the permanent resident of District Shivpuri (M.P.) and there is no possibility of his absconson or tampering with the prosecution evidence.

Hence, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application and prayed for its dismissal.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is

directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only) with a solvent surety

in the like amount to the satisfaction of the trial Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself in extending 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, as the case may be;

- 4) The applicant will not commit any other offence or will not repeat the offence in future. In case, if he/she is found involving in the offence of same

nature, this bail order shall stand cancelled automatically without further reference to the Bench.

- 5) The applicant will not seek unnecessary adjournments during the trial; and

- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and

necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.