

**In the Court of Additional Session Judge – Chanderi,**  
**Dist.-Ashoknagar (M.P.)**  
**( Before-Shahabuddin Hashmi )**



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**Bail Application IA No-06/2023**

**Institution date-20.03.2023**

**FIR No. 331/2022**

**Nepal Singh S/o Sh. Rajendra @ Rajpal Singh Bundela,**  
Age about-37 years, Occupation – farmer,  
r/o. Vill. Nanon, Tehseel. -Piprai,  
Ashoknagar (M.P.).

----- Applicants/Accused  
// Versus //

State of MP through P.S. **Chanderi,**  
District-Ashoknagar (M.P.)

-----Non-applicant/Prosecution

**23-03-2023**

**Present** **Second** regular bail application filed u/s 439 Cr.P.C.  
Ld. Counsel Sh. Anshul Srivastava for applicant  
/accused.  
Ld. AGP Sh. **Anshul Kathraya** for the State.

Report in case FIR No.-331/2022 u/s 147, 148, 149,  
323, 294, 506, 427, 336 IPC and 325, 307 IPC from PS-Chanderi  
received.

Bail Application moved by Ld. Counsel on behalf of  
accused/applicant supported with affidavit of **Jagdish Singh** in  
which he declared that it is second bail application u/s 439 Crpc on  
behalf of applicant and submits that no other bail application is  
either pending or dismissed before any other parallel Court,  
Hon'ble High Court at this stage and first bail application was  
dismissed as not pressed.

Ld. Counsel for accused/applicant submitted that this  
is innocent and peace loving citizens and falsely implicated in this  
case on false complaint of complainant Bhupendra Singh due to  
political rivalry as one Bhura Ahirwar supported with applicant  
was elected as sarpanch in Vill. Nanon. Ld. Counsel further  
submitted that Inderpal caused injury to himself and falsely

implicated to applicants. Ld. Counsel further submitted that FIR No. 332/2022 was registered against the complainant and other persons and after medical opinion section 326 IPC was also invoked in the said case. Ld. Counsel further submitted that without any evidenciary substance police added section 307 IPC due to political influence. Ld. Counsel further orally submitted that apart from section 307 IPC all the alleged offences are bailable in nature. Ld. Counsel further submitted that co-accused Bobby was granted bail in the present case by the order of Hon'ble High Court vide MCRC No. 03205/2023 dated 22.02.2023 and other co-accused also granted bail by this court, hence on ground of parity accused person/applicant is also entitled for bail. Ld. Counsel further submitted that investigation has already been completed and charge sheet filed and pending at the stage of argument on Trial. Ld. Counsel further submitted that he is permanent resident of Vill. Nanon, Tehseel-Piprai and movable and immovable property situated therein. Ld. Counsel also submitted that all the accused persons in cross-case are enlarged on bail by this court. Ld. Counsel further orally submitted if bail u/s 439 Crpc is to be granted to him, he shall abide all the conditions imposed by this court. On these grounds Ld. Counsel prays to grant anticipatory bail to accused person/applicant.

On the other side Ld. AGP Sh. Anshul Kathraya appearing on the behalf of State submit that accused person/applicant had actively participated in the crime while victims were beaten by co-accused persons. He requested to dismiss the bail application.

Argument heard, advanced by both the parties, perused the averments made in the bail application, FIR, complaint, report filed by prosecution and case diary of the case. Fact leading to the registration of this case is that present FIR was registered on the basis of complainant of Bhupendra Singh, in which he alleged that he received call of his daughter that accused persons had stopped her vehicle in front of their house, when he reached at the spot in his car, accused persons started damaging his car and also beaten him with lathi-danda and kulhari. Complainant further alleged that when his relatives came there to save him, they were also beaten by accused persons by lathi-danda, kulhari and stones due to which they also sustained injuries. On the complaint of Devendra FIR no.- 331/2022 U/s 147, 148, 149, 341, 336, 323, 324, 294, 506, 427 IPC got registered and during investigation section 307, 325 IPC invoked in the present case on the basis of medical opinion given by doctor concerned.

On perusal of record shows that investigation has already been completed and case is pending for trial after framing of charge. Initially FIR was lodged for the other offences and later on section 307 IPC was invoked. Though there is allegation that applicant used katta while the commission of alleged offence is going on, but it is pertinent to mentioned here that applicant is in custody since 20.12.2022 and charge has already been framed, it is not dispute that trial takes time to conclude as there are about 29 witnesses as per charge-sheet filed by IO. Though, it is reflected from the report sent by TI, Chanderi that 07 other criminal cases were registered against applicant, bt record shows that those cases were got registered between the year 2006 to 2013 but there is no report that they are resulted into acquittal or conviction. Otherwise also previous conviction report is not sole ground to dismiss the bail application, it depends upon the fact and circumstances of each case. Co-accused Bobby has already granted bail by the Hon'ble High Court vide MCRC No. 03205/2023 dated 22.02.2023 and it seems that role of accused person/applicant is not very much different from the co-accused who were on bail as apart from allegation of using fire arm, all the allegation are seems to be similar in nature and charge u/s 307 r/w 149 IPC was also framed against remaining co-accused. Hence, on the ground of parity and discussion made hereinabove, benefit of regular bail could be extended to applicant in the interest of justice.

Keeping in view of the discussion made hereinabove, it would be appropriate to accept the bail application. **Accordingly, without commenting on the merit of the case bail application is hereby allowed and It is directed applicant/accused Nepal Singh to be released on bail** in the present case F.I.R. No-331/2022, on furnishing of deposition of cash security of Rs. 25,000-25,000/- each, bail bond with one solvent surety of Rs. 25,000-25,000/- (twenty five-twenty five thousand) each of the like amount and personal bond of 25,000/- (twenty five thousand) by both to the satisfaction of this court on following conditions :-

- (i) Accused shall regularly appear on all subsequent date of hearing, before the court during trial/hearing and and in case of default cash security of Rs. 25,000/- shall be forfeited without giving any notice,
- (ii) accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case,
- (iii) accused shall not temper the evidence of the present case,
- (iv) accused shall not commit an offence similar to the

- offence of which he is accused,
- (v) accused shall not leave the country without permission of the court concern,
  - (vi) accused shall furnish his new address whenever he change his residence,

It is also made clear that observations made in this order shall not come in the way during trial proceeding and shall not affect the merits of the case.

In view of the guidelines issued by Hon'ble the Supreme Court in SMWP (CRIMINAL) No. 4/2021 (2023 LiveLaw (SC) 76), it is directed that a digitally signed soft copy of this order be sent forthwith to jail Superintendent, Jail Ashoknagar M.P. through e-mail, **with a direction to apprise the applicant regarding the result of this bail application and conditions regarding furnishing of bail bonds mentioned in this order.**

A **digitally signed** true copy of this order be also uploaded in CIS.

IA no- 06/2023 disposed off accordingly.

Copy of this order along-with case diary be sent to the Police Station- Chanderi for information.

Let the case be put-up on date already fixed i.e. 31-03-2023

-sd-

(Shahabuddin Hashmi)  
Additional Session Judge, Chanderi  
District - Ashoknagar (M.P.)

Copy to-

Chanderi, dated-23-03-2023

01. Copy of this order along-with case diary be sent to the Police Station- Chanderi for information.

02. Jail Superintend, Ashoknagar M.P. through email, **with a direction to apprise the applicant regarding the result of this bail applicant and condition regarding furnishing of bail bonds mentioned in this order.**

(Shahabuddin Hashmi)  
Additional Session Judge, Chanderi  
District - Ashoknagar (M.P.)