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MCRC-48531-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 20th OF NOVEMBER, 2024MISC. CRIMINAL CASE No. 48531 of 2024*JITENDRA RATHORE**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Anshul Hardia, learned counsel for the applicant.

Shri Amit Raval GA for the respondent/State.

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ORDER

This first application has been filed by the applicant under Section 483 of BNSS, 2023 for grant of bail in connection with Crime No.870/2024 registered at Police Station - Chandan Nagar, Indore, District - Indore (M.P.) for the offence punishable under Sections 109, 3(5) of BNS, 2023. Applicant is in judicial custody since 22/09/2024.

As per the case of prosecution, complainant Nikita reported to police station - Chandan Nagar, Indore that on 21/09/2024, they were returning home after dinner. In the lane near Pankaj Kirana store, Rohit, Parth, Aayush and Jitendra (applicant) were standing on the way. Her husband Aklesh asked the boys to move, all the four accused started abusing her husband. When her husband objected to abuses, they started assaulting her husband. Parth pulled out knife and assaulted her husband. Her husband sustained injury on his hand and back. When they tried to stop the assailants, they



started pelting stones. She sustained injury on her forehead. The assailants also damaged the windscreen of car of Rakesh Solanki. Thereafter, all the assailants fled away. Her husband was referred for treatment to M.Y. Hospital, Indore. On such allegations, police station - Chandan Nagar, Indore registered FIR at Crime No.870/2024 for the offence punishable under Sections 109, 3(5) of BNS, 2023. Injured Nikita and Aklesh were forwarded to medico-legal examination. Three stab wounds were found on the hand and back of Aklesh. Statements of the witnesses were recorded. The applicant was arrested on 22/09/2024 and is in custody ever since. The investigation is underway.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in this matter. There is no allegation of assault by dangerous weapon against the applicant. Learned counsel further submits that applicant is aged around 23 years. He runs furniture shop to look after his family. There is no likelihood of his absconsion or tampering with evidence by him. Further custodial interrogation of applicant is not needed in the matter. The trial would take time to complete. Therefore, the applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail 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, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant - Jitendra Rathore** shall be released on bail in connection with the Crime as stated in para – 1 of this order, upon furnishing personal bond and surety bond of amount, as may be considered appropriate by the Trial Court/the Committal Court for compliance with conditions, as may be imposed by such Court, to secure presence of the applicant for the trial under Section 437(3) of Cr.P.C., 1973/Section 480(3) of BNSS, 2023.

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the concerned Court may consider, on merit, cancellation of bail without any impediment of this order.

The concerned Court shall get these conditions reproduced on the personal bond by the accused and on the surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

CC as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

