

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 21st OF NOVEMBER, 2023

MISC. CRIMINAL CASE No. 50292 of 2023

BETWEEN:-

**NAKOOL NISHAD S/O SHRI JAYNARAYAN NISHAD,
AGED ABOUT 28 YEARS, OCCUPATION: TRANSPORT,
R/O JAGMOHAN DAD, WARD NAI BASTI, KATNI, DISTT.
KATNI, MADHYA PRADESH.**

.....APPLICANT

(BY SHRI PANKAJ TIWARI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION KUTHLA, DISTRICT KATNI, MADHYA
PRADESH.**

.....RESPONDENT

***(BY SMT. NUPUR DHAMEJA - PANEL LAWYER FOR THE
RESPONDENT/STATE)***

.....
*This application coming on for admission, this day, the court passed
the following:*

ORDER

This first bail application under section 439 of Cr.P.C. has been filed in relation to FIR No.870/2023 dated 21.10.2023, registered at Police Station - Kuthla, District Katni, Madhya Pradesh for commission of offences under Section 327, 323 and 435 of I.P.C. Applicant is in detention since 21.10.2023.

2. As per the prosecution story, on 18.10.2023, at around 10.00 p.m., applicant Nakool Nishad demanded Rs.5,00,000/- from the complainant as Gunda Tax. He threatened that if they failed to make the payment he will not allow them to work and slapped. It is alleged that at around 02.00 a.m., one

truck bearing registration No.MP20-HB-6068 caught fire and the entire cabin was found burnt. He apprehends that his truck has been burnt by Nakool Nishad.

3. Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent and he is falsely implicated. There is no legal and admissible evidence against him. CCTV footage reveals that at the time of the alleged incident, he was at his home. He has been falsely implicated only because he was opposing the illegal loading of sand in the complainant trucks. Therefore, it is prayed that the applicant may be released on bail.

4. On the other hand, learned panel lawyer for the State has submitted that applicant has criminal background of 13 cases but has fairly admitted CCTV footage reveals that at the time of commission of offence, applicant was seen at his home.

5. Looking to the facts and circumstances of the case and the material on record, but without expressing any opinion on the merit of the case, I am of the view that it is a case in which further pre-trial detention of the applicant is not warranted. Consequently, this bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

6. It is directed that applicant - **Nakool Nishad** be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated

under Section 437(3) of Cr.P.C.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

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