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

**BEFORE
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR
ON THE 12th OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 55285 of 2023

BETWEEN:-

**SURESH SINGH S/O SHRI RAMPRASAD NARWARIYA,
AGED ABOUT 50 YEARS, VILLAGE MANPURA THANA
DEHAT DISTRICT BHIND (MADHYA PRADESH)**

.....APPLICANT

(SHRI PRADEEP KATARE, LEARNED COUNSEL FOR THE APPLICANT),

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE STATION BAROHI
DISTRICT BHIND (MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI RAJENDRA SINGH YADAV, LEARNED PP),
(SHRI RAVINDRA SINGH KUSWAH, LEARNED COUNSEL FOR THE
RESPONDENT [COMP].***

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

ORDER

This FIRST bail application has been filed by applicant under section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.75/2023 registered at Police Station Barohi Distt. Bhind (M.P.) for the offence punishable under Section 306, 504, 34 of IPC and 67(A) the I.T Act.

As per the case of prosecution, Rajendra Singh Narveria reported to PS Barohi that on 22.09.2023 around 8 in the evening, his daughter committed suicide by hanging with the help of Saree. Unnatural Death intimation No.14 of

2023 was registered. Dead Body of Kajal was forwarded for Postmortem examination. Panel of Doctors opined that Kajal had died due to asphyxia as a result of antemortem hanging. During inquest proceedings, Manoj Devi (Mother of deceased) and Ankita (Sister of deceased) stated that on 22.09.2023 around 11.30 in the morning, Suresh (Paternal uncle of Andesh) called on phone of mother of deceased and said that they should marry Kajal with Andesh and also pay money for the marriage, otherwise, Kajal will have to die by hanging. Paternal Aunt of Andesh, Madira and Mother Usha also said the same thing. They also said that they have some obscene photographs of Kajal. Manoj Devi and Ankita stated that when they confronted Kajal about this, Kajal informed that Andesh came to their house in the night and committed rape with her and took photographs. Half an hour after this conversation, obscene photographs of Kajal were forwarded on mobile phone of Pravesh (Brother in law of deceased) and Anikta. Kajal had seen all those photographs. Kajal called Andesh and talked with him on mobile phone and thereafter, committed suicide by locking herself in a room. Father of deceased Rajendra Singh submitted a written complaint to SHO PS Barohi that his daughter Kajal had love affair with Andesh Singh. Andesh Singh had taken some obscene photographs of Kajal. Madia, Suresh and Usha Bai were threatening him to marry Kajal with Andesh. They were also asking money for the marriage. Obscene photographs of Kajal were made viral therefore, his daughter has committed suicide. On such allegations, PS Barohi Distt. Bhind registered FIR at Crime No.75 of 2023 for offence punishable under Sections 306, 504, 34 of IPC and 67(A) the I.T Act against Andesh Narveria, Usha Narveria, Suresh Narveria and Madira Narveria. Statements of witness have been recorded. Applicant was arrested on

27.11.2023. He is in custody ever since. Other accused have also been arrested. Relevant seizures have been made. On completion of investigation, final report was submitted on 12.12.2023.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant has falsely been implicated in the matter for the reason that he is related to main accused Andesh. It is a case of love affair between young persons. The family of deceased was against it. When their relationship turned sour, the matter was aggravated. Learned counsel further submits that there is no allegation that the applicant had ever spoken with deceased. No case for abetment is made out against the applicant. It is a case of over implication wherein, all the family members of main accused Andesh have been implicated. No criminal antecedent is reported against the applicant. Applicant is an agriculturist. He has a family to look after. There is no likelihood of his absconsion leaving family and property. Further, there is no likelihood of tampering with the evidence as both the parties relate to similar socio-economic status. The trial would take time to complete. Therefore, the applicant may be extended the benefit of bail.

Per contra, learned counsel for the respondent/State ably assisted by learned counsel for the complainant opposes the bail application on the ground of gravity of alleged.

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 **SURESH SINGH** shall be

released on bail in connection with Crime No.75/2023 registered at Police Station Barohi Distt. Bhind (M.P.) for the offence punishable under Section 306, 504, 34 of IPC and 67(A) the I.T Act, upon furnishing a personal bond in the sum of **Rs. 1,00,000/- (Rs. One lac Only)** with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions, **:(For the sake of convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-**

(1) Applicant shall remain present on every date of hearing as may he directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा।

(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/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो।

(4) Applicant shall not directly or indirectly attempt to temper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा।

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

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा 309 दं.प्र.सं. के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा।

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

The trial Court shall get these conditions reproduced on the personal bond by the accused and on 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.

C.C. as per rules.

Rks

(SANJEEV S KALGAONKAR)
JUDGE