

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 2nd OF JANUARY, 2024

MISCELLANEOUS CRIMINAL CASE No. 56325 of 2023

BETWEEN:-

**RAMSINGH KUSHWAH S/O SARVAN, AGED ABOUT 50
YEARS, RESIDENT OF VILLAGE MADA THANA
VIJAYPUR DISTRICT SHEOPUR (MADHYA PRADESH)**

.....APPLICANT

(SHRI SHYAM KISHORE MISHRA - ADVOCATE FOR THE APPLICANT)

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE STATION VIJAYPUR
DISTRICT SHEOPUR (MADHYA PRADESH)**

.....RESPONDENT

**(SHRI P.P.S. BAJITA - PUBLIC PROSECUTOR FOR THE RESPONDENT-
STATE)**

.....
*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.248/2023 registered at Police Station Vijaypur, District Sheopur (M.P.) for offence punishable under Sections 304-B, 498-A and 34 of the IPC and added Section 306 of the IPC. The applicant is in judicial custody since 20/11/2023.

A s per the case of prosecution, Hema Kushwah was admitted at Rainbow Multi-Speciality Hospital, Basant Vihar Jhansi Road, Gwalior on

21/07/2023 around 10.47 am due to burn injuries. She died during treatment on the same day around 1.47 pm. On intimation by the hospital, Unnatural Death Intimation No. 32/2023 was registered at P.S Vijaypur, District Sheopur on 02/08/2023. Postmortem examination on dead body of Hema Kushwah was conducted on 22/07/2023. Medical Officer opined that Hema Kushwah had died due to ante mortem burn injuries. During inquest proceedings, statements of relatives of the deceased were recorded on 20/08/2023. Ramesh (father), Dilip (brother), Sitaram (brother) and Draupadi (mother) of the deceased stated that Hema was married to Vijay Singh on 17/04/2018. After one year of marriage, Hema started complaining that her husband-Vijay Singh, father-in-law (Bhairo Lal), mother-in-law(Phoolvati) are harassing her with regard to demand of dowry and their neighbour-Ram Singh also supports and instigates them. They have paid Rs. 52,000/- to the accused but they were demanding remaining Rs. 48,000/-. On instigation of Ram Singh, Vijay Singh, Phoolvati and Bhairo Lal manhandled Hema. She committed suicide due to constant harassment by the accused. On such allegations, Police Station- Vijaypur District Sheopur registered FIR at Crime No. 248/2023 for the offence punishable under Sections 304-B, 498-A and 34 of the IPC. Statements of witnesses under Section 161 of the Cr.P.C have been recorded. Relevant seizures have been made. Applicant- Ram Singh was arrested on 20/11/2023, he is in custody ever since. Other co-accused Vijay Singh and Bhairo Lal have also been arrested. Final report has been submitted on 30/11/2023.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant is involved in this matter alleging that he is neighbour of matrimonial family of the deceased. Applicant has no interference in day to day affairs of family of the deceased. He is not related to

husband of the deceased. Applicant was involved after 20 days of death of the deceased for the first time and after two months his relationship as maternal-uncle-in-law (*Mosiya Sasur*) was alleged by witnesses Reena and Ramdeen in their statement recorded under Section 161 of the Cr.P.C. Applicant is aged around 50 years. He has family to look after. He is an agriculturist by profession. No criminal antecedent is reported against the applicant. There is no likelihood of applicant's absconsion leaving his family, home and property. He is sole bread earner of his family. Jail incarceration is causing hardship to the family. There is no likelihood of tampering with the evidence, as both the parties belong to same socio-economic status. The trial would take time to complete. Therefore, 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 and prays for its rejection.

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 RAMSINGH KUSHWAH** shall be released on bail in relation to Crime No.248/2023 registered at Police Station Vijaypur, District Sheopur (M.P.) for offence punishable under Sections 304-B, 498-A and 34 of the IPC and added Section 306 of the IPC, upon furnishing a personal bond in the sum of **Rs. 50,000/- (Rs. Fifty Thousand 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 applicant 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, it shall become ineffective without reference to the Court.

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.

(SANJEEV S KALGAONKAR)
JUDGE

Prachi

