IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 57415 of 2023

BETWEEN:-

ISHWAR@KISHWAR S/O RAMESH, AGED ABOUT 40 YEARS, OCCUPATION: LABOUR GRAM JAMNIYA TEHSIL MANDAV (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ANOPAM CHOUHAN - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER PS MANDAV (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI SAGAR MULEY - PP)

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

ORDER

This is first application under Section 439 of the Cr.P.C. filed on behalf of the applicant in connection with Crime No.158/2023 registered at Police Station Mandav, Distt. Dhar (M.P.) under Section 306 of the IPC.

The prosecution case is that on 25.10.2023 a murg was registered on the information of brother Ramesh who is brother of deceased informing that deceased has committed suicide by hanging on a tree. The incident had taken place on 25.10.2023. After about 12-13 days, in the statement recorded u/S.161 Cr.P.C, the brother alleged that the applicant used to harass the deceased and threatened her with dire consequences and for the said reasons

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the deceased committed suicide by hanging.

Counsel for applicant submits that the applicant has been falsely implicated and in the first information in the dehati nalishi the brother has not disclosed the aforesaid allegations. First time he made allegation of harassment in his statement u/S.161 Cr.P.C which was recorded on 7.11.2023 after 12-13 days. He has been falsely implicated.

Counsel for State opposed the prayer and submits that there is a specific allegation of abatement by the brother against the applicant

After hearing learned counsel for parties and taking into consideration that the allegation regarding harassment to the deceased was not informed in dehati nalishi and first time in the statement u./S.161 Cr.P.C which was recorded after 12-13 days the allegation was made. The applicant is in jail since 7.11.2023. The charge sheet has been filed. No further custodial interrogation is required. Trial is likely to take time.

In view of the aforesaid, I am of the view that the applicant is entitled for grant of bail. Therefore, without expressing any view on the merits of the case, the application is allowed.

It is directed that Applicant shall be released from custody upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety of the like amount to the satisfaction of the Ld. Court below.

It is further made clear that if it is found that the applicant is involved in any other case during the trial, this bail order shall stand cancelled automatically without reference to the Court and the Police will be at liberty to arrest the applicant.

A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station

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concerned. The office is requested to forward a copy of this order to the Ld. Court below.

(VIJAY KUMAR SHUKLA)
JUDGE

VM

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