IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 18th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 2216 of 2024

BETWEEN:-

RAJU BHARTIYA S/O LATE SHRI AKHILESH BHARTIYA, AGED ABOUT 25 YEARS, OCCUPATION: LABOUR R/O PATEL TOLA RAIGAON POLICE STATION MOHGAON TEHSIL AND DISTRICT MANDLA (MADHYA PRADESH)

.....APPLICANT

(BY MS SUPRIYA SINGH - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MOHGAON TEHSIL AND DISTRICT MANDLA (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI Y.D. YADAV - GOVERNMENT ADVOCATE)

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

ORDER

This is the second application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail, who is in jail since 22.09.2022 relating to FIR No.330/2022 registered at Police Station Mohgaon District Mandla (M.P.) for the offences under section 306 of the IPC. Earlier application of applicant was dismissed in default.

2. Learned counsel appearing for the applicant submitted that applicant is aged about 25 years and he has falsely been implicated in the case of suicide. It is submitted that applicant used to have suspicion over extra marital affairs of

Signature Not Verified
Signed by: PANKAJ NAGLE
Signing time: 1/19/2024
12:41:40 PM

his wife. Due to which there was dispute between them. Wife has committed suicide due to under depression. Applicant is innocent. Hence, he may be granted bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail and read over the statement of one Ram Prasad, who has stated that there was dispute between applicant and his wife as applicant used to suspect her and she was being harassed. Due to said harassment, deceased committed suicide. Hence, applicant may not be granted bail.

4. Heard the counsel for the parties.

5. There is no overt act or positive role of applicant in instigation to deceased for committing suicide. He used to suspect her. There was dispute between them and due to said reason, she has committed suicide.

6. Considering aforesaid facts and circumstances of the case, without commenting on merits of the case, bail application filed by applicant is ***allowed***.

7. It is directed that applicant be released on bail on his furnishing personal bond of ***Rs.50,000/-(Rs. fifty thousand only)*** with a solvent surety in the like amount to the satisfaction of the trial court for his regular appearance before concerned Court on all such dates as may be fixed in this regard during pendency of trial.

8. The applicant shall also abide by the conditions enumerated under Section 437 (3) of Cr. P. C.

C.C. as per rules.

Signature Not Verified
Signed by: PANKAJ NAGLE
Signing time: 1/19/2024
12:41:40 PM

(VISHAL DHAGAT)
JUDGE

pn

Signature Not Verified
Signed by: PANKAJ NAGLE
Signing time: 1/19/2024
12:41:40 PM