IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 2760 of 2024

BETWEEN:-

RAJKARAN SINGH S/O SHRI CHANDU SINGH, AGED ABOUT 65 YEARS, OCCUPATION: AGRICULTURE VILLAGE NAKBAAR CHWOKI PIPRAHI POLICE STATION AND TAHSIL HANUMANA DISTRICT REWA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI S. M. SHUKLA, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION HANUMANA DISTRICT REWA (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI AKSHAY NAMDEO, GOVT. ADVOCATE)

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

ORDER

This is first bail application filed under Section 439 of Cr.P.C. on behalf of applicant who is in jail since 9.8.2023 in connection with Crime No.345/2023, registered at Police Station Hanumana, District Rewa (M.P.) for the offence punishable under Sections 323 and 306 reda with 34 of IPC.

2. Learned counsel appearing for the applicant submitted that there was brawl between applicant and deceased. Applicant alongwith his sister is said to have abused him and has beaten the deceased and had also told him to go and die. Because of this sole incident, deceased committed suicide. It is submitted

Signature Not Verified
Signed by: MONSY MANNAKUNNIL SIMON
Signing time: 02-02-2024 16:18:57

that ingredients of offence under section 306 of IPC is not made out. There is no positive act or inducement on part of applicant. Only stray utterances of word on one occasion will not make out an offence under section 306 of IPC. In these circumstances, applicant may be enlarged on bail.

3. Learned Govt. Advocate appearing for the State has opposed the bail application and submitted that applicant alongwith other co-accused person has induced him to go and die, therefore, he committed suicide. In these circumstances he may not be enlarged on bail.

4. Heard learned counsel for the parties.

5. Only on one occasion applicant has told deceased to go and commit suicide. Stray incident will not make out an offence under section 306 of IPC when there is no other enmity or constant pestering and harassing of deceased for commission of suicide.

6. Considering the aforesaid, bail application filed by the applicant is **allowed**.

7. It is directed that the applicant shall be released on bail on his furnishing 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.

8. In addition to aforesaid condition, the applicant shall abide by the conditions enumerated in Section 437(3) of Cr.P.C.

Certified copy as per rules.

(VISHAL DHAGAT)
JUDGE

mms

Signature Not Verified
Signed by: MONS MANNAKUNNIL SIMON
Signing time: 02-02-2024 16:18:57



Signature Not Verified
Signed by: MONS MANNAKUNNIL SIMON
Signing time: 02-02-2024 16:18:57