

(2022) 12 MP CK 0159

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.61994 Of 2022

Bardiram

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 29-12-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 302, 323

Citation : (2022) 12 MP CK 0159

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : Sachin Parmar, Vishal Mahant

Final Decision : Allowed

Judgement

Satyendra Kumar Singh, J

This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as he has been arrested on 17.10.2022 in connection with Crime No.386/2022 registered at Police Station Unhel, District Ujjain (M.P.) for commission of offence punishable under Sections 302, 323 and 34 of the IPC.

Prosecution story, in brief is that on 16.10.2022 at about 19:30 hours complainant Ramesh was consuming liquor with Suresh at his own tea shop. In the meantime co-accused Sohan came there and started abusing complainant Ramesh and when complainant objected he twist complainant and he fell down. After hearing his screaming complainant's wife Seema and son Jitendra came there and when they took the complainant towards their house applicant reached to the spot and caught hold the complainant from back side and thereafter, his son and co-accused persons Sohan and Dharmendra press the neck of the complainant's wife Seema due to which she fell down and died.

Learned counsel for the applicant submits as per the prosecution case itself the applicant caught hold the complainant and assaulted him only. Admittedly,

incident took place all of a sudden therefore, applicant cannot be held liable for the acts of the co-accused persons. Applicant is not at all responsible for the death of Seema Bai. Investigation is completed and charge sheet has been filed. Trial will take time to conclude and therefore, in the aforesaid circumstances, applicant is entitled for grant of bail.

Learned counsel for the respondent/State has opposed the application and submits that the applicant is involved in the crime. He actively participated and assaulted the complainant and assisted co-accused persons in committing the offence therefore, he is not entitled for grant of bail.

Having considered the rival submissions, nature of the allegations alleged against the applicant especially the fact that the incident took place all of a sudden and the fact that death of the deceased was caused by the co-accused persons, without commenting anything on the merits of the case, the application is allowed.

It is directed that the applicant is directed to be released on bail upon his furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One lakh only) with a solvent surety in the like amount to the satisfaction of the concerned Court for his appearance before the Trial Court on all such dates as may be fixed in this behalf by the Trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr. P. C.

This application is allowed and stands disposed of.

Certified copy, as per Rules.