

(2021) 07 MP CK 0185

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.36514 Of 2021

Bhajju @ Tirendra Ahirwar

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 27-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 306

Citation : (2021) 07 MP CK 0185

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : Baboo Ji Chourasia, Manoj Kumar Jha

Final Decision : Allowed

Judgement

Rajeev Kumar Dubey, J

Â This is first bail application filed by the applicant under Section 439 of Cr.P.C.

Applicant Bhajju @ Tirendra Ahirwar was arrested on 28/6/2021 in Crime No.62/2021 registered at Police Station Orcha Road, District Chhatarpur

(M.P.) for the offence punishable under Section 306 of the IPC.

As per prosecution case, on 8/7/2020 deceased Rani consumed poisonous substance, due to which, she died on 9/7/2020, thus she committed suicide.

It is alleged that the deceased wants to marry with the applicant but applicant denied to marry her and also harassed her, due to which she committed suicide.

Â Learned counsel for the applicant submits that the applicant has not committed any offence and has falsely been implicated in the offence.

It is further submitted that the father of the deceased informed the police

regarding incident on 9/7/2020 in which it is not mentioned that deceased

Rani committed suicide because applicant harassed her. On 03/03/2021, for the first time the father of the deceased disclosed that the applicant

harassed the deceased, due to which, she committed suicide which clearly shows that the complainant falsely implicated the applicant in the crime.

Applicant is a young boy. He has no criminal past and has been in custody since 28/6/2021 and the conclusion of trial will take time, hence prayed for

release of the applicant on bail.

Learned counsel for the respondent/State opposed the prayer.

Looking to the facts and circumstances of the case, the contention of learned counsel for the applicant and the fact that the deceased Rani committed

suicide on 9/7/2020 while police registered the case against the applicant on 3/3/2021, applicant is in custody since 28/6/2021 and conclusion of trial

will take time, without commenting on the merits of the case, the application is allowed and it is directed that the applicant be released on bail upon his

furnishing personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with one 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.

This order will remain operative subject to compliance of the following conditions by the applicant :

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the trial;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without prior permission of the trial Court.

Certified copy as per rules.