
(2021) 12 MP CK 0077

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.63677 Of 2021

Bhuri Bai

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 23-12-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 306

Citation : (2021) 12 MP CK 0077

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Kushal Sharma, Ranjeet Sen

Final Decision : Allowed

Judgement

Vivek Rusia, J

This is the first application filed under Section 439 of Cr.P.C. by the applicant, who is in custody since 03/12/2021 in connection with Crime No.424/2021 registered at Police Station Talen, District Rajgarh (M.P.) for the offence punishable under Section 306 of the Indian Penal Code, 1860.

As per prosecution story, the deceased was in affair with this present applicant and as per allegation she used to extort money from him and because of a long association he has committed suicide. Accordingly, a case has been registered against the present applicant.

Learned counsel for the applicant submitted that the applicant is the mother of two minor children and claimed that she is suffering from heart disease and is taking treatment from L.B.S.Hospital, Bhopal. He further submits that the ingredients of Section 306 of IPC are missing in this case and in such premises applicant prays for enlargement on bail.

On the other hand, learned counsel appearing for the respondent/State opposes

the prayer for grant of bail.

In view of the aforesaid facts and circumstances of the case and looking to the period of custody and the evidence collected against the applicant, without further commenting anything on the merits of the case, it would be appropriate to enlarge the applicant on bail.

Accordingly, this application is allowed and the applicant is directed to be released on bail upon her furnishing personal bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one solvent surety in the like amount to the satisfaction of the trial Court for her regular appearance before the trial Court during the trial as and when required and shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

Before releasing the applicant from custody the jail authorities are directed to medically examine her in order to rule out the possibility of COVID-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No.01/2020.

Certified copy as per rules.