

(2022) 01 MP CK 0008

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.64616 Of 2021

Harisingh @ Haresingh S/O Ramesh Rathore

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 04-01-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 306

Citation : (2022) 01 MP CK 0008

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Vinod Thakur, Viraj Godha

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

This is the applicant's first application under Section 439 of Criminal Procedure Code, 1973, as he is implicated in connection with Crime No.409/2021

registered at Police Station Rajgarh, District Dhar (MP) for offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860.

The applicant is in custody since 22.10.2021.

The allegation against the applicant is that he abetted the suicide of his wife Sapna, who committed suicide on 21.09.2021, after consuming celphos.

Counsel for the applicant has submitted that the deceased had left for her matrimonial home on 23.03.2021 and had stayed there until she committed

suicide on 21.09.2021; and as such, she was not at all in touch with the applicant and thus, the allegation of abetment is false allegation only on account

of personal animosity between the parties.

It is submitted that the deceased was stalked by another person Sanju, with whom the applicant had a fight and First Information Report (FIR)

regarding which has also been registered vide Crime No.118/2021 at Police Station Rajgarh, District Rajgarh (MP). Thereafter, the applicant and the

deceased also had some altercations and thereafter, she left for her maternal house and subsequently committed suicide.

Counsel has also submitted that the applicant is in jail since 22.10.2021, the charge sheet has already been filed and the final conclusion of the trial is

likely to take sufficiently long time.

Counsel for the respondent / State, on the other hand, has opposed the prayer and it is submitted that no case for grant of bail is made out.

Having considered the rival submissions and on perusal of the case diary, this Court finds force with the contentions raised by the learned counsel for

the applicant; and on the aforementioned facts and circumstances of this case, this Court is of the considered opinion that the applicant deserves to be

released on bail.

Accordingly, without adverting to the merits of the case, the application filed by the applicant is hereby allowed. The applicant is directed to be

released on bail upon furnishing a personal bond in the sum of Rs.50,000/- (rupees fifty thousand) with one solvent surety of the like amount to the

satisfaction of the trial Court for his / her regular appearance before the trial Court during trial with a condition that he / she shall remain present

before the Court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is also observed that if the applicant is found to be involved in any criminal activities, after his / her release on bail, then the present bail order shall

stand cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.