

(2020) 02 MP CK 0201

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 9609 Of 2020

Kanji

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 29-02-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 302, 304(II)

Citation : (2020) 02 MP CK 0201

Hon'ble Judges : S. K. Awasthi, J

Bench : Single Bench

Advocate : A.K. Saraswat, Gaurav Kumar Verma

Final Decision : Allowed

Judgement

This is first application under Section 439, Cr.P.C. for grant of bail in connection with Crime No.443/2019, registered at Police Station-Ranapur

District-Jhabua, for commission of the offences under Section 302/34 of the IPC.

As per prosecution case, it is alleged that applicant kicked on the stomach of the deceased-Sawla, due to which he sustained injuries and he was taken

to the hospital, where during treatment after three days of the alleged incident, he died.

Learned counsel for the applicant submitted that the applicant is a man aged about 50 years and he has not committed any offence. It is alleged that

the applicant kicked on the stomach of deceased-Sawla, due to which he sustained injuries. He was taken to the hospital, where during treatment after

3 days of the alleged incident, he died. From the statement of the prosecution witnesses, it appears that there was no premeditation and the quarrel

was taken all of a sudden in spur of moment, during which the applicant kicked

the deceased without having any intention to cause his death. Under these circumstances, at the most offence under Section 304(II) of the IPC will be made out against the applicant. The applicant is in custody since 07/12/2019. Investigation is over and charge-sheet has been filed. Conclusion of trial will take considerable time. Hence, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Public Prosecutor submits that no sufficient ground is made out for releasing the applicant on bail, hence the application filed by the applicant be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the parties, but without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail on her furnishing a personal bond in

the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount to the satisfaction of the trial Court for her regular

appearance before the trial Court during trial with a condition that she shall remain present before the court concerned during trial and shall also abide

by the conditions enumerated under Section 437(3) Cr.P.C.

In case of bail jump this order shall become ineffective.

Certified copy as per rules.