
(2021) 07 MP CK 0187

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.36445 Of 2021

Kariya @ Thamman Singh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 27-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 302, 506

Citation : (2021) 07 MP CK 0187

Hon'ble Judges : Rajendra Kumar Verma, J

Bench : Single Bench

Advocate : Madan Singh, Reji Methai

Final Decision : Allowed

Judgement

Rajendra Kumar Verma, J

This is the first application filed by the applicant/accused under Section 439 of Cr.P.C for grant of bail in connection with Crime No. 53/2021

registered at Police Station Madiyado District Damoh (M.P.) for the offences punishable under Sections 302 and 506/34 of I.P.C.

As per prosecution story, the allegation against the applicant is that he along with other two co-accused persons dragged the deceased towards river

and thereafter committed his murder by drowning him into river.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. It is further submitted that the

incident is said to have been committed on 12/12/2020 whereas the F.I.R. has been lodged after three months from the date of incident i.e. on

18/03/2021. No external injuries are found on the body of the deceased. The death of the deceased is due to drowning and not by strangulation. The

applicant is in custody since 17.05.2021 and the trial will take time to conclude. The applicant is a permanent resident of District Damoh and there is

no likelihood of his absconding or tampering with the prosecution evidence. On these grounds, prayer is made to enlarge the applicant on bail.

Per contra, learned Panel Lawyer opposes the bail application and prays for its rejection.

Keeping in view the facts and circumstances of the case and on a perusal of the material available on record including the case diary, this Court is of

the considered view that the applicant may be enlarged on bail.

Hence, without commenting on the merits of the matter, the application is allowed. Applicant Kariya @ Thamman Singh is directed to be released on

bail upon his furnishing a bail 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 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 directed that the applicant shall comply with the provisions of Section 437(3) Cr.P.C.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned jail authorities are directed to follow the directions/guidelines issued by

the Government with regard to 'COVID-19' before releasing the applicant.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become

ineffective and cancelled without reference to this Bench.

C.C. as per rules.