

(2020) 12 MP CK 0093

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.46288 Of 2020

Lale Prasad Yadav

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 10-12-2020

Acts Referred:

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

Citation : (2020) 12 MP CK 0093

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Lavkush Mishra, Sharda Dubey

Final Decision : Allowed

Judgement

Anjuli Palo, J

This is third application under section 439 of Cr.P.C. for grant of bail filed on behalf of applicant -Lale Prasad Yadav. His earlier bail applications,

namely, M.Cr.C. No.23890/2020 was dismissed vide order dated 17.08.2020 as withdrawn and another M.Cr.C. No.33021/2020 was dismissed vide

ordere dated 10.11.2020 for want of prosecution. The applicant has been arrested in connection with Crime No.144/2020 registered at Police Station

Bargawan, District Singrauli for offence under Section 302 read with Section 34 of the Indian Penal Code.

As per the prosecution case, on 13.04.2020 in the morning (between 1.30 am to 5.30 am) when the deceased went to pick mahua, near the house of

Rajkumar Vaishya some unknown person hit her with hard object on her head and forehead, due to which she received internal injuries on both sides

of head and due to blood clotting on both sides of head, she went to coma and

died. Thereafter, FIR was registered on 15.04.2020 against the unknown person.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. There is no previous enmity between the

deceased and the present applicant, therefore, there was no motive with the applicant to commit the murder of the deceased. Charge-sheet has been

filed. The trial would take considerable time, therefore, it is prayed that the applicant be granted bail. It is further submitted that similarly placed co-

accused person, namely Pradeep Kumar Vaishya has already been released on bail vide order dated 10.11.2020 passed in M.Cr.C. No.27403/2020.

Learned Panel Lawyer has opposed the prayer for bail application.

It is a case of circumstantial evidence. No direct evidence is available in this case. As per the prosecution, dead body of the deceased aged about 54-

55 years has been found near culvert (nala) and blood stained stone weighing about 500 gram is also recovered from there. There is no enmity

between deceased and the applicant. No evidence regarding the last seen together circumstance is available against the applicant. Co-accused

Pradeep Kumar Vaishya has already been enlarged on bail.

Looking to the facts and circumstances of the case and keeping in view the principle of parity, I deem it proper to enlarge the applicant on bail, hence,

without commenting on the merits of the case, this application is allowed.

It is directed that applicant- Lale Prasad Yadav be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand

only) with one solvent surety, in the like amount to the satisfaction of the concerned trial Court for his appearance on the dates so fixed by that Court

during trial. The applicant shall comply with the provisions of Section 437 (3) of the Cr.P.C.

Accordingly, the application is allowed and disposed of.