
(2020) 11 MP CK 0018

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 42315 Of 2020

Lalita Yadav

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 03-11-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 294, 304, 323

Citation : (2020) 11 MP CK 0018

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Kunal Thakre, Nalini Gurang

Final Decision : Allowed

Judgement

Anjuli Palo, J

Heard learned counsel for the parties.

Case diary is perused.

This is first application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of the applicant-Lalita Yadav who is in jail since 30.04.2020 in connection with Crime No.131/2020 registered at Police Station Ratibad, District-Bhopal for offence under Sections 304, 294, 323 read with Section 34 of IPC.

There is allegations against the applicant that she and her husband on 24.04.2020 quarreled with the deceased and assaulted him due to which his blood pressure was shoot up, he had a brain hemorrhage and he died on the spot. Police has registered the case against both husband and wife under Sections 304, 294, 323/34 of IPC.

Learned counsel for the applicant submits that applicant was not aware that the deceased was suffering from high blood pressure. It is contended by the

applicant's counsel that she is a lady having 2 children, one is two and half years old and another baby has been delivered in the jail one month ago. As per postmortem report, the deceased sustained 8 injuries, all are abrasions. The deceased died due to brain hemorrhage. The charge-sheet has been filed. Hence applicant is entitled to be enlarged on regular bail.

Learned Panel Lawyer has opposed the prayer for grant of bail. Looking to the custody period of applicant and her condition, without commenting upon the merits of the case, I am inclined to allow the instant application. It is directed that the applicant be enlarged on bail upon her 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 trial Court for her appearance before the trial Court on the dates so fixed by that Court during the trial. The applicant shall abide by the conditions of Section 437(3) of Cr.P.C. With the aforesaid, this M.Cr.C. stands allowed and disposed of.

Certified copy as per rules.