
(2012) 08 MP CK 0011
In the Madhya Pradesh High Court
Case No : MCRC. 4587.2012

Monu Kushwah

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision : 08-08-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 201, 302, 34

Citation : (2012) 08 MP CK 0011

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

Bench : Single Bench

Advocate : L.K. Mishra, for the Appellant; B.K. Sharma, Public Prosecutor and Shri D.S. Bhadoria, for the Respondent

Final Decision : Dismissed

Judgement

S.K. Gangele, Judge

1. Heard. The applicant has filed this first bail application u/s 439 of Cr.P.C. for grant of bail. The applicant has been arrested in connection with Crime No. 17 of 2012 registered by PS Dharpura Datia for offence punishable u/s 302, 201 and 34 IPC.

2. Allegation against the applicant is that he had killed the deceased and thereafter, body has been thrown in the well. There is evidence of witnesses Amar Singh, Pritam and Seema that the applicant and other co-accused were taking deceased on a motor bike. They were together up to 9.30 in the night and subsequently, on 14.3.2012 dead body of deceased was recovered from the well. Following injuries were found over the person of deceased :

1. Whole face is congested and swollen, but left side face, eye lids, eye brow, left maxillary eminence area of left side of forehead and temporal fossa are highly swollen;

2. Contusion of size 10X8 Cms on the left and upper side of chest was present;

3. Contusion of size 18X15 Cms on the mid both side and right side of chest was present;

3. It has further been mentioned in the Postmortem report that all injuries were ante-mortem in nature. It is further submitted that another co-accused has already been released on bail, however, he has been released on the ground of being juvenile. Hence, the case of applicant is quite distinguishable from that co-accused. Considering the nature of the allegation levied against the applicant, I do not find any merit in this application and hence, it is hereby rejected.