

(2023) 10 MP CK 0116

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 46780 Of 2023

Prakash Yadav @ Pintu

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 25-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 294, 306, 307, 323, 384, 506
Madhya Pradesh Protection Of Debtors Act, 1937 — Section 3, 4

Citation : (2023) 10 MP CK 0116

Hon'ble Judges : Prem Narayan Singh, J

Bench : Single Bench

Advocate : Arpit Singh, Kapil Mahant, Yash Pal Rathore

Final Decision : Allowed

Judgement

Prem Narayan Singh, J

Heard and perused the case diary.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail during trial relating to Crime No.489/2023, registered at Police Station-Mhow, District-Indore (MP) for offence punishable under Sections 294, 306, 384, 323, 506.34 of IPC and Section 3,4 of MP Protection of Debtors Act. The applicant is in custody since 21.09.2023.

2. The allegation against the applicant is that he along with co-accused person, has beaten the deceased-Akshay due to which he has committed suicide.

3 . Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. The deceased has taken Rs. 20,000/- from Meena Yadav and Om Yadav who were doing the business of taking interest. It is alleged that the applicant alongwith Lucky Yadav and Vishal have beaten the deceased prior to 4-5 days of the incident and thereafter, the deceased has committed suicide. It is further submitted that before this incident, an FIR was

lodged against the deceased under Section 307 of IPC wherein the present applicant was also a witness. In order to compromise happened into the case, applicant was implicated by the deceased in his Dehati Nalishi report. There is no direct allegation against the applicant for abating the deceased for committing suicide. The applicant is in custody since 21.09.2023. Final conclusion of trial will take sufficient long time. Therefore, counsel prays for grant of bail to the applicant.

4. On the other hand, learned counsel for the State opposed the prayer and prayed for its rejection.

5. Learned counsel for the objector has also opposed the prayer and submitted that the applicant has beaten the deceased along with other co-accused persons due to which the deceased has committed suicide.

6. After hearing learned counsel for the parties, looking to the facts and circumstances of the case and custody period of the applicant, I am of the view that it is a case, in which applicant may be released on bail. Consequently without commenting on the merits of the case, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands allowed.

7. It is directed that the applicant/accused be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

8. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.