
(2022) 03 MP CK 0057

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 14010 Of 2022

Sarita And Others And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 22-03-2022

Acts Referred:

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

Citation : (2022) 03 MP CK 0057

Hon'ble Judges : Vivek Agarwal, J

Bench : Single Bench

Advocate : Sanjay Sharma, Vivek Lakhera

Final Decision : Allowed

Judgement

Vivek Agarwal, J

This is first bail application filed on behalf of applicant no.1/Sarita and applicant no.2/Vimla under Section 439 of CrPC in connection with Crime No. 76/2022 under Sections 304-B, 34 of IPC registered at police station Arti District Seoni (M.P) and applicants are in custody since 04/03/2022.

Learned counsel for the applicants submit that applicant no.1/Sarita and applicant no.2/Vimla who are Jethani and mother-in-law of the deceased. Marriage of the deceased took place with Om Prakash Thakur on 19/05/2019. She died on 02/03/2022 due to fall in well. There are general and omnibus allegations against the present applicants. They are innocent. Applicant no.1 has separate residence. She has two small children aged 6 and 10 years. They have to face examination and no more further custodial interrogation of the applicants is required. No recovery is to be made from present applicants. They already faced incarceration of over 15 days. Main accused if any is the husband of the deceased. On aforesaid grounds prayer is made to enlarge present applicants on bail.

Learned G.A for the State opposes the prayer made by learned counsel for the applicant.

Taking into consideration submissions of learned counsel for the parties and the fact that there are general and omnibus allegations against the present applicants and applicants are in custody since 04/03/2022, hence without commenting anything on merits of the case, this bail application is allowed. It is directed that applicant no.1/Sarita and applicant no.2/Vimla be released on bail on their furnishing a personal bond to the tune of Rs.50,000/-each with two solvent sureties in the like amount to the satisfaction of the learned Trial Court. It is further directed that the applicants shall comply with the provisions of Section 437(3) of the Cr.P.C.

In view of the outbreak of new mutant Omicron of Covid-19, the jail authorities and the State Government are directed to follow the guidelines issued by the Health Ministry in the wake of Novel Corona Virus before and after releasing the applicant.

In above term, this bail application is disposed of.

Certified copy as per rules