

(2022) 05 MP CK 0089

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 25417 Of 2022

Sundarbai

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 30-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 302, 323, 504

Citation : (2022) 05 MP CK 0089

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : Nilesh Dave, Valmik Shakargayen

Final Decision : Allowed

Judgement

Satyendra Kumar Singh, J

This is first application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as she has been arrested on 26.02.2022 in connection with Crime No.89/2022 registered at Police Station Garoth, District Mandsaur (M.P.) for commission of offence punishable under Sections 302, 323, 504, 34 of IPC.

Prosecution story, in brief is that on 18.02.2022, applicant along with her husband co-accused Bherulal and Raja went to complainant Bhagirath's office and started assaulting him as he was witness in a case instituted against the accused person assaulted Ramnarayan also with kicks and fist due to which he sustained grievous injuries on vital part - stomach and during the treatment he died on 20.02.2022 due to injury caused by the applicant and the co-accused persons.

Learned counsel for the applicant submits that as per prosecution story itself, on the date of the incident, during the quarrel, deceased was under the influence of alcohol and sustained simple injuries on the body. He was died during the treatment but cause of his death has not been mentioned in the post-mortem

report and it has been mentioned therein that cause of death would be given after receiving the report of viscera which is still awaited. Applicant is a lady and admittedly assault was not caused by any deadly weapon. Applicant's custodial interrogation or trial is not required in the matter. Charge-sheet has been filed. Trial will take time to conclude, therefore, in the aforesaid circumstances, applicant is entitled for grant of bail.

Learned Public Prosecutor for the non-applicant - State has opposed the application and submits that deceased was died due to injuries caused by the applicant along with other co-accused persons. Offence alleged against her is serious in nature, therefore, she is not entitled for grant of bail.

Heard learned counsel for the parties at length and perused the case diary.

Having considered the rival submissions, materials pointed out by the learned counsel for the applicant specially FIR, MLC report and P.M. report of the deceased and the fact that the applicant is a lady, aged about 50 years and overall material produced on record against her, this Court is of the view that applicant deserves to be enlarged on bail on stringent conditions, hence, without commenting anything on the merits of the case, the application is allowed.

It is directed that the applicant is directed to be released on bail upon her furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One Lac only) with a solvent surety in the like amount to the satisfaction of the concerned Court for her appearance before the Trial Court on all such dates as may be fixed in this behalf by the Trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr. P. C.

In view of the outbreak of Corona Virus disease (COVID-19), the concerned Jail Authority is directed to follow the directions/guidelines issued by the Government with regard to COVID-19 before releasing the applicant.

This application is allowed and stands disposed of.

Certified copy, as per Rules.