

THE HIGH COURT OF MADHYA PRADESH
MCRC 1016/2018
[Hariom and Another vs. State of MP]

Gwalior, dtd. 12/01/2018

Shri Deepak Shrivastava and Shri Rohit Shrivastava,
counsel for the applicants.

Shri Girdhari Singh Chauhan, Public Prosecutor for
the respondent/ State.

Case Diary is available.

This is first application under Section 439 of CrPC
for grant of bail.

The applicants have been arrested on 11/12/2017
in connection with Crime No.213/2017 registered at
Police Station Nai Saray, District Ashok Nagar for the
offence punishable under Section 306/34 of IPC.

It is submitted by the counsel for the applicants that
in fact, the deceased has assaulted his wife Anjna
(applicant No.2) and caused four incised wounds on her
body by means of an axe. When the applicant tried to
intervene in the matter, he was assaulted by the
deceased. The applicant No.1 has also lodged a FIR
against the deceased which was registered as Crime
No.118/2017 at Police Station Nai Saray, District Ashok
Nagar. Even along with the dead body of the deceased,
an axe was found in the hand of the deceased. It appears
that after causing injuries to his wife (applicant No.2) and
the applicant No.1, the deceased himself has committed
suicide by consuming some poisonous substance. The
allegation of illicit relations of the applicant No.1 with the
applicant No.2, the wife of the deceased is false. The
applicants are in custody since 11/12/2017 and there is
no possibility of their absconding or tampering with the

prosecution case.

Per contra, the application is opposed by State Counsel. After going through the case diary, it is fairly conceded by the State Counsel that the FIR in Crime No.118/2017 and MLC report of Anjna, wife of the deceased (applicant No.2) and the applicant No.1 are also in the case diary.

Considering the period of detention, the facts and circumstances of the case and without commenting on the merits of the case, the application is allowed. It is directed that the applicants be released on bail on furnishing a personal bond in the sum of **Rs.40,000/- (Rupees Forty Thousand Only)** each with one surety in the like amount to the satisfaction of the Trial Court/ Committal Court to appear before the Court on the dates given by the concerned Court

This order shall be effective till the end of trial but in case of bail jump, it shall become ineffective.

Certified Copy as per rules.

(G.S. Ahluwalia)
Judge