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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV**

ON THE 29th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 55913 of 2023

BETWEEN:-

**JAINARAYAN SONI S/O SHRI BHAGWAT DAYAL, AGED
53 YEARS, R/O WARD NO. 15 JHANSI MOHALLA, ROAD
BHIND (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI RAJIV SHARMA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION CITY KOTWALI DISTRICT BHIND (MADHYA
PRADESH)**

.....RESPONDENT

(BY SHRI GIRRAJ SONI - PANEL LAWYER)

.....
*This application coming on for hearing this day, the court passed the
following:*

ORDER

This is **first** application filed by the applicant u/S.439 of Cr.P.C in connection with Crime No. 541 of 2023 registered at Police Station City Kotwali, District Bhind (M.P.) for the offence punishable under Section 306 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. Further submission is that there is no evidence on record to show that applicant/accused instigated the deceased Ramkishore to commit suicide. Further submission is that mere allegation of dishonest transaction does not come within the purview of investigation, therefore, if the

entire prosecution story deemed to be true, the ingredients of Section 107 of IPC do not attract. After conclusion of investigation, charge-sheet has been filed, therefore, his custodial interrogation is not required anymore. Further submission is that the applicant is in custody since 01.12.2023 and he is having no criminal antecedent. Applicant is the permanent resident of District Bhind (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence, therefore, he prays for grant of bail to the applicant.

Per contra, learned Panel Lawyer for the respondent/State vehemently opposed the bail application and prayed for its dismissal.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a 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 trial Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

- 1) The applicant will comply with all the terms and conditions of the bond executed by him/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself/herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicant will not commit an offence similar to the offence of which he is accused;

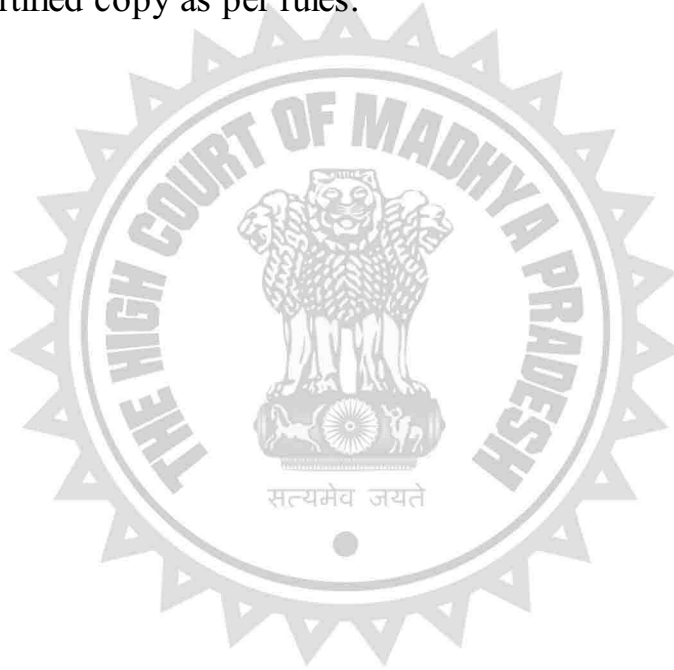
- 5) The applicant will not seek unnecessary adjournments during the trial;
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

AK/-



(SUNITA YADAV)
JUDGE