

The High Court Of Madhya Pradesh

MCRC-45536-2018

(ILAM SINGH Vs THE STATE OF MADHYA PRADESH)

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Indore, Dated : 16-11-2018

Shri Iqram Ansari, learned counsel for the applicants.

Shri Piyush Shrivastava, learned GA for the respondent/State.

Heard. Case diary perused.

This is first application under section 439 of Cr.P.C for grant of bail in connection with the Crime no 189/2018 registered at police station – Pati, District - Badwani for commission of the offence punishable under sections 302 and 201/34 of IPC

As per the prosecution story, on 23/07/2018, on receipt of information about death of one Bhimpuriji Naga Baba, offence was registered under section 302 of IPC against unknown person. During investigation, on the statement witness Ashish Purohit, accused Ilamsingh was arrested and on his memorandum recorded under section 27 of the Evidence Act, the police came to know that due to illicit relationship between her wife and the decease, he along with other co-accused Nanibai, Mukesh and Karan, committed murder of Bhimpuriji Naga Baba, then other applicants were arrested in the present crime.

Learned counsel for the applicants submitted that the applicants are neither named in the FIR, nor any article belonging to the deceased has been recovered from the applicants. There is no eye-witness of the incident and the prosecution case is based on the circumstantial circumstances. Dead body of the deceased was recovered on 23/07/2018 and first time, on 31/07/2018, witness Ashish Purohit, narrated

that he had seen the deceased at the house of the present applicants and they were assaulting, but he has not offered any explanation that why he has not intimated this fact earlier. Under these circumstances, there is no evidence to connect the present applicants with the present crime. The applicants are in custody since 01/08/2018 without any specific reason. Investigation is over and charge sheet has been filed. Conclusion of the trial will take considerable time. In these circumstances, learned counsel for the applicants prays for grant of bail to the applicants.

On the other hand, learned public prosecutor for the respondent / State submits that no sufficient ground is made out for releasing the applicants on bail, hence the application filed by the applicants be dismissed.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the applicants, but without commenting on the merits of the case, the application filed by the applicants is allowed. The applicants **Ilamsingh S/o Jorsingh. Nanibai W/o Ilamsingh and Mukesh S/o Ilamsingh** are directed to be released on bail on their furnishing a personal bond in the sum of **Rs. 50,000/-** each with one solvent surety each of the like amount to the satisfaction of the trial Court for their regular appearance before the trial Court during trial with a condition that they shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under section 437(3) of Cr.P.C.

Certified copy as per rules.

(S.K. AWASTHI)
JUDGE