

**THE HIGH COURT OF MADHYA PRADESH**

**M.Cr.C. No.49139/2018**

**Indore, dated :06/12/2018**

Shri Vijay Dubey, learned counsel for the applicant.

Shri H.Y. Mehta, learned Govt. Advocate for the respondent/State.

Heard. Case diary perused.

This is repeat (fourth) application under Section 439, Cr.P.C. for grant of temporary bail in connection with Crime No.412/2014, registered at Police Station- Khachrod, District-Ujjain for commission of offence punishable under Sections 147, 148, 149, 452, 323, 307 and 302 of the IPC.

Learned counsel for the applicant submits that brother of the applicant has expired on 16/11/2018 and being a brother his presence is required to perform last rituals of his brother. Under these circumstances, he prays for temporary bail for 7 days.

Learned Public Prosecutor submits that due to paucity of time verification of factum of applicant brother's death is not possible. He further submits that applicant is the prime accused of an offence punishable under Section 302 of the IPC. Under these circumstances he prays for rejection of the temporary bail application.

After taking into consideration the facts and the circumstances of the case, at this stage no case for grant of temporary bail to the applicant is made out. Accordingly, this temporary bail application is hereby dismissed. However, SHO of Police-Station-Khachrod, Ujjain is directed to verify the fact whether Pagdi Rasm of applicant's brother is going to be held on 10/12/2018 or not. If the same is found to be correct and the applicant is desired to participate in the Pagdi Rasm, then concerned Jail Authority is directed to make necessary arrangements for sending the applicant in Pagdi Rasm of his brother in proper police custody on 10/12/2018 from 10:00 a.m. to to 4:00 p.m..

Certified copy as per rules.

**(S.K. Awasthi)**  
**Judge**

*skt*