

# The High Court Of Madhya Pradesh

MCRC-50490-2018

(NAZIYA SAIYYAD Vs THE STATE OF MADHYA PRADESH)

**Indore; Dated: 18.12.2018**

Shri Vivek Singh, learned counsel for the applicant.

Ms Nidhi Bohra, learned Public Prosecutor for the respondent/State.

This is the second repeat bail application under section 439 Cr.P.C., on behalf of the applicant, **Naziya**. Her first application was dismissed as withdrawn on 14.11.2018 in M.Cr.C. No. 45108/2018. The applicant, a lady aged 30 years is in jail since 26.10.2018 in connection with crime No. 553/2018 registered at Police Station Biaorra, District Rajgarh for the offence punishable under section 306 IPC.

As per prosecution story, the deceased Aslam in his letter preceding the date of commission of suicide had alleged that the applicant and her brother Aasif realized high rate of interest against the loan advanced to him and pastured with demand of more money. Under these circumstances, the deceased was pushed against the wall leading to commission of suicide. Accordingly case has been registered against the applicant.

Learned counsel for the applicant contends that applicant is innocent and she has been falsely implicated in this case. She at no point of time has ever advanced loan to the deceased Aslam. There is no other material to connect the applicant with the crime alleged and there is no material on record that the applicant has any business of advancement of loan. He further submits that applicant has already suffered incarceration in jail for more than two months. Investigation is complete and challan has been filed, therefore, no further custodial interrogation is required and the applicant has no criminal antecedents Under such circumstances, the applicant deserves to be enlarged on bail.

Per contra, Ms Nidhi learned Public Prosecutor for the respondent/State opposes the bail application and supported

**The High Court Of Madhya Pradesh****MCRC-50490-2018***(NAZIYA SAIYYAD Vs THE STATE OF MADHYA PRADESH)*

the order impugned with the contention that as her name has appeared in the suicide note, it is a case of abetment to suicide. That apart, several promissory notes have also been seized during the course of investigation. However, the same are not on record. Under such circumstances, applicant may not be enlarged on bail.

Having heard the counsel for parties and looking to the fact that applicant is a lady aged 30 years and that she is no more required for custodial interrogation and her case being different from that of the co-accused i.e. her brother Aasif, in the opinion of this Court, applicant is entitled for enlargement on bail, therefore without commenting on merits of the case, the application deserves to be and is hereby allowed.

Accordingly, it is directed that the applicant be enlarged on bail, subject to her furnishing personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac only)** with one solvent surety in the like amount to the satisfaction of the learned Trial Court for her regular appearance in the trial Court during trial and also comply with the conditions enumerated under Section 437(3) of Cr.P.C.

A copy of the order be sent to the Court concerned for necessary compliance.

Certified copy as per rules.

**(Rohit Arya)**  
**Judge**

sh/-