

HIGH COURT OF MADHYA PRADESH,

BENCH AT INDORE

MCRC NO.32754/2020

Lakhan s/o Rajaram vs. State of M.P

25.09.2019 (INDORE):

Shri Jeevan Singh Gurjar, learned counsel for the applicant.

Ms.Priyanka Raj Panwar, learned Panel Advocate for the respondent/State.

Shri Deepak Kumar Batham, learned counsel for the complainant.

Heard learned counsel for the parties through video conferencing.

This is second repeat application filed under section 439 Cr.P.C seeking bail in connection with Crime No.516/19 registered at police station Sanver, district Indore for the offence punishable under sections 307, 294, 352 & 34 of the IPC. The first application was dismissed as withdrawn on 28.07.2020 in MCRC no.15356/2020.

As per prosecution story, on 13.12.2019 complainant Sorambai lodged a complaint that her husband Rajaram is having two wives and first one Dalabai is having two sons viz. Rakesh and Lakhan. On 13.12.2019 Lakhan called Sorambai and started abusing her. Bhuribai w/o Lakhan caught hold Sorambai and Lakhan caused stab injury to her.

Learned counsel for the applicant submits that injured Sorambai is the step mother of the present applicant and the dispute arose all of a sudden due to provocation but later on a compromise has been arrived at between the parties with the intervention of the family members. The injured Sorambai has filed an affidavit to the effect that she has no objection if the applicant is granted bail.

Learned counsel appearing on behalf of the complainant/injured submits that he has instructions regarding the compromise between the parties and the injured has no objection if the applicant is released on bail.

Learned Panel Advocate was directed to get verified the contents of the affidavit. Today the counsel appearing for the State submits that the I.O has verified the fact regarding the no objection on the part of the complainant in releasing the applicant on bail.

Heard learned counsel for the parties and perused the case diary.

At present the affidavit given by the complainant is only in respect of no objection in releasing the applicant on bail. The co-accused has already been granted bail by this Court.

In view of the above, without commenting on the merit of the case, the application is allowed with condition. The applicant is directed to be released on bail on his furnishing a

personal bond in the sum of Rs.1,00,000/- (Rupees One Lkah) with one solvent surety of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under section 437(3) Cr.P.C. It is made clear that during this bail period if any complaint receives from the complainant against the applicant, the State may apply for cancellation of this bail order.

Before releasing the applicant from the custody the jail authorities are directed to medically examine him in order to rule out the possibility of COVID-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No. 1/2020.

C.c as per rules.

(VIVEK RUSIA)
JUDGE

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