

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 36382 of 2020

(Geetabai Vs. State of MP)

Indore, Dated: 16/10/2020

Shri Sidharth Jain learned counsel for applicant.

Shri Harshawardhan Sharma learned counsel for State.

Heard through video conferencing.

This is an application made by the applicant (accused) under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for offence punishable under Sections 302, 307, 323, 294, 506, 147, 148, 149 of IPC & 25 B of Arms Act registered with Police Station Rajod District Dhar in Crime no. 101/2020.

Learned counsel for the applicant submits that a free-fight between both the parties had taken place on account of issue of possession of land. He further submits that in that fight applicant had also received injury and applicant party had lodged the FIR against the complainant party prior in point of time. He further submits that main allegation of causing injury by means of sword, Falia and axe to the deceased Kailash is as against Nandu, Bhuralal and Galia and the allegation against the present applicant is that he had caused injury by means of stick to Rankibai. He further submits that there is no query report or x-ray report in respect of nature of injury which was received by Rankibai. He also submits that in the incident entire family of applicant has been roped in and that the applicant is an aged lady of more than 60 years of age and there was also no common intention to cause death as the incident had taken place suddenly.

He also submits that the applicant is in custody since 17/6/2020 and challan has been filed and conclusion of trial is likely to take time.

Learned counsel for the State has opposed the application for grant of bail and has referred to the material from case diary as also from the cross case diary. He has not disputed that there is no query report or x-ray report available in the case diary in respect of injury received by Rankibai.

On perusal of the case diary and considering the circumstances of the case, I find prima facie force in the submissions made by the counsel for applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly **allowed**.

The applicant is directed to be released on bail on her furnishing a personal bond in the sum of Rs.35,000/- (Rupees Thirty Five Thousand) with one surety in the like amount to the satisfaction of the Trial Court for her appearance as and when directed.

The applicant will attend each hearing of her trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

Certified copy as per rules.

(Prakash Shrivastava)
Judge

BDJ