

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 36404 of 2020

(Prakash Singh Vs. State of MP)

Indore, Dated: 16/10/2020

Shri P.S. Tomar 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, 201 IPC registered with Police Station Sondwa District Alirajpur in Crime no.87/2020.

The allegation against the present applicant is in respect of causing murder of Mukesh.

Learned counsel for the applicant submits that there is 14 hour's delay in lodging the FIR, the incident is in the evening of 23/3/2020 whereas the FIR has been lodged on 24/3/2020. He further submits that there is no eye witness of the incident and the deceased was a drunkard having strained relations with the wife and that is the cause of death. He further submits that in the medical report no external injuries have been found in the body of deceased and there is no mens-rea on the part of applicant to commit the offence.

Learned counsel for the State has pointed out the FIR allegation that on the dispute of constructing the house the applicant had taken the deceased in the evening of 23/3/2020 to his hut and therefore, he was last seen with the deceased and from the hut of the deceased there are sign of dragging the body

to the Babool tree where the body of deceased was found hanging and in this regard he has referred to Naksha Panchanama. He has also referred to postmortem report and has pointed out that external injuries have been found in the body of deceased. He has also referred to statement of Dugribai mother of deceased recorded under Section 161 Cr.P.C. in respect of the last seen and details of incident as also the statement of Badibai mother of applicant recorded under Section 161 Cr.P.C.

Having regard to the material which is pointed out by counsel for State, I am of the opinion that no case for grant of bail is made out.

M.Cr.C. is accordingly rejected.

Certified copy as per rules.

(Prakash Shrivastava)
Judge

BDJ