

HIGH COURT OF MADHYA PRADESH: BENCH AT INDORE
(SINGLE BENCH: HON'BLE Mr. JUSTICE VIVEK RUSIA)

M.Cr.C. No. 48868/2021

Smt. Gyarsi Bai W/o Kanwarlal, aged about 38 years, Occupation House
Wife, R/o Purabarol, P.S. Bhojpur, District Rajgarh, M.P.

---Applicant.

Versus

State of M.P. through Police Station- Bhojpur, Rajgarh.

--Respondent.

Shri Santosh Kumar Meena, learned counsel for the applicant.

Shri Sameer Verma, learned counsel for the respondent/State.

M.Cr.C. No. 37832/2021

Kanwarlal S/o Devilal @ Deviram aged about 40 years, R/o Village
Purabarol, P.S. Bhojpur, District Rajgarh, M.P.

---Applicant.

Versus

State of M.P. through Police Station- Bhojpur, Rajgarh.

--Respondent.

Shri Vivek Singh, learned counsel for the applicant.

Shri Sameer Verma, learned counsel for the respondent/State.

O R D E R

Date: 08.10.2021:

M.Cr.C.No.48868/2021 is the third bail application filed under Section 439 of Cr.P.C. on behalf of Gyarsi Bai. Her first bail application was dismissed on merit vide order dated 16.07.2020 passed in M.Cr.C.No.20416/2020. Second bail application was dismissed as withdrawn vide order dated 08.06.2021 passed in M.Cr.C.No.17544/2021.

M.Cr.C.No.37832/2021 is the second bail application filed under Section 439 of Cr.P.C. on behalf of Kanwarlal. His first bail application was dismissed on merit vide order dated 10.09.2020 passed in M.Cr.C. No. 31463/2020.

Both the applicants are seeking bail in connection with the crime No. 53/2020 registered at Police station - Bhojpur District - Rajgarh for the offence punishable under section 302, 498-A, 201,

304-B/34 of I.P.C.

On 12.06.2021, the charges have been framed for the offence punishable under section 304-B/34, 498-A and 201 of I.P.C. Thereafter, prosecution has examined four witnesses including parents of the deceased.

Learned counsels for the applicants submit that witnesses examined so far are not making any allegation against the applicants. At the most offence under Section 201 of I.P.C. is made out against applicants as they tried to cremate the dead body of the deceased in order to hide the cause of death. The son of the applicants i.e. husband of the deceased has confessed in his memorandum recorded under Section 27 of Indian Evidence that that he used the beat the deceased. Hence, applicants be enlarged on bail.

Learned Panel Lawyer opposes the bail application and prays for its rejection.

Considering the facts and circumstances of the case but without commenting on the merit of the case, the applications bearing M.Cr.C.No.48868/2021 (Smt. Gyarsi Bai Vs. State of M.P. and M.Cr.C.No.37832/2021 (Kanwarlal Vs. State of M.P) are allowed and they are directed to be released on bail upon their furnishing personal bond in the sum of **Rs.40,000/- (Rupees Forty Thousand only)** with surety in the like amount to the satisfaction of the Trial Court for their appearance before that Court during the pendency of trial and shall also abide by the conditions enumerated under section 437(3) Cr.P.C.

C.c as per rules.

(VIVEK RUSIA)
JUDGE

praveen