

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 22nd OF JUNE, 2022****MISC. CRIMINAL CASE No. 29625 of 2022****Between:-****JATIN S/O GOVIND SINGH RATHORE , AGED ABOUT 25 YEARS,
OCCUPATION: GOVERNMENT SERVANT SIDHESHWAR COLONY
JHABUA (MADHYA PRADESH)****.....PETITIONER****(BY SHRI VIKAS RATHI, ADVOCATE)****AND****THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION JHABUA. (MADHYA PRADESH)****.....RESPONDENTS****(BY SHRI R. SOLANKI, PL)****(OBJECTOR BY SHRI P. SAXENA, ADVOCATE)**

This application coming on this day for orders the court passed the following:

ORDER

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 4.6.2022 in connection with Crime No. 727/2022 registered at P.S. - Jhabua District Jhabua (M.P.) for commission of offence punishable under Section 498A and 306 of IPC.

As per the prosecution story, the deceased was married with present applicant about four years ago. On 5.3.2022 the parents of the deceased came to know about the burn injuries suffered by the deceased when the deceased was at her home. Then deceased was taken to Jhabua hospital and thereafter she was taken to Dahod for treatment where she died during the treatment. During the investigation mother of deceased stated that the applicant used to raise doubt on the character of the deceased because of which the deceased was upset physically and mentally and pursuant to the threat caused by applicant she burnt her pallu while making tea. Accordingly a case has been registered against the applicant.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. He is a government servant. The deceased deposed in her dying declaration thrice that she was burnt accidentally while making tea. The applicant is permanent resident of District Jhabua and there is no apprehension of his either running away from the course of justice or tampering with the prosecution evidence. Applicant is in jail since 4.6.2022. Investigation is over and charge sheet has been filed. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection.

Learned counsel for objector also opposes the bail application

and prays for its rejection by submitting that all dying declaration has been recorded under pressure of police officials and they cannot be relied upon.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that deceased in her all dying declarations deposed that she was burnt accidentally while making tea, before the incident no report was lodged regarding alleged harassment and cruelty against the applicant by the parents or by deceased herself and final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs. 1,00,000/- (Rs. One Lakh only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.

C.C. as per rules.

(ANIL VERMA)
J U D G E

BDJ

