

IN THE HIGH COURT OF MADHYA PRADESH**AT INDORE****BEFORE****HON'BLE SHRI JUSTICE ANIL VERMA****ON THE 22nd OF SEPTEMBER, 2022****MISC. CRIMINAL CASE No. 45554 of 2022****BETWEEN:-**

CHAMPALAL S/O RAISINGH SOLANKI,
1 AGED ABOUT 42 YEARS, OCCUPATION:
. AGRICULTRIST R/O GRAM HINGWA THANA
WARLA (MADHYA PRADESH)

GYANSIBAI @ GINSABAI W/O CHAMPALAL
2 SOLANKI, AGED ABOUT 38 YEARS,
OCCUPATION: AGRICULTURIST R/O GRAM
· HINGWA THANA WARLA (MADHYA
PRADESH)

.....PETITIONER

(BY SHRI PANKAJ AJMERA, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION WARLA (MADHYA
PRADESH)

....RESPONDENTS

(BY SHRI PRANAY JOSHI PL)

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

ORDER

Applicants have filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 181/2022 registered at P.S – Warla, District- Barwani (M.P.) for commission of offence punishable under Sections 306 and 34 of IPC.

As per prosecution story, on 20.05.22 deceased Ravina W/o Rahul committed: suicide by hanging on' tree at a mountain. After

that merg intimation was given to police by present applicant no.1 Champalal who is the father-in-law of the deceased. During the merg investigation, merg statements of her parents and relatives were recorded, in which they stated that deceased was married to co-accused Rahul 1 year ago and the deceased was subjected to cruelty by the applicants and her husband also, due to which deceased Ravina committed suicide.

Learned counsel for the applicants contended that applicants are innocent and have been falsely implicated in this offence. There is no legal evidence available on record to connect the applicants with the aforementioned offence. Necessary ingredients of section 306 of IPC are absent in the instant case. They have never harassed the deceased and only omnibus allegation has been levelled against them. Investigation is over and charge-sheet has been filed, therefore, no further custodial interrogation of the applicants are required.. Applicants are in custody since 29/06/2022. They are permanent resident of District- Barwani. There is no apprehension of his fleeing away from the court of justice. Final conclusion of trial shall take sufficient long time. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

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

Perused the impugned order of the trial Court, the statements of the witnesses as well as the case dairy.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the fact that on perusal of the statement of father Dilip and mother Gulabibai of the deceased, it appears that they

have stated mainly against husband of the deceased Rahul; the applicants are not the main accused; they are mother-in-law and father-in-law of the deceased; they are in custody since 29/06/2022; investigation is over and charge-sheet has been filed, therefore, no further custodial interrogation of the applicants is required.; and possibility of delay in conclusion of the trial cannot be ruled out, in view of the evidence available on record, I deem it proper to release the accused / applicants on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicants be released on bail on their furnishing personal bond in the sum of **Rs. 75,000/- (Rs. Seventy Five Thousand only)** each with one solvent surety each in the like amount to the satisfaction of the trial Court for their appearance before the trial Court, as and when required. They shall abide by the conditions enumerated u/S. 437(3) Cr.P.C.,

It is made clear that if the applicants are again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicants in the present case also. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per Rules.

(ANIL VERMA)
J U D G E

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