

**IN THE HIGH COURT OF MADHYA PRADESH**

**AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE PRANAY VERMA**

**ON THE 2<sup>nd</sup> OF DECEMBER, 2022**

**MISC. CRIMINAL CASE No. 56786 of 2022**

**BETWEEN:-**

**RAJESH KUMAR S/O FLIX JI VASUNIYA,  
AGED ABOUT 48 YEARS, OCCUPATION:  
GOVT. JOB POLICE LINE NEEMUCH  
DISTRICT NEEMUCH (MADHYA PRADESH)**

**.....APPLICANT**

***(SHRI ABHISHEK RATHORE, LEARNED COUNSEL FOR THE APPLICANT).***

**AND**

**THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE  
STATION RAMPURA, DISTRICT NEEMUCH  
(MADHYA PRADESH)**

**.....RESPONDENT**

***(MS. BHARTI LAKKAD, GOVT. ADVOCATE FOR RESPONDENT/STATE)***

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

**ORDER**

They are heard. Perused the case dairy/challan papers.

2. This is first bail application filed by the applicant under Section 438 of Cr.P.C. for grant of anticipatory bail. The applicant is apprehending his arrest in connection with Crime No.149/2022, registered at Police Station Rampura District – Neemuch, for the offences punishable under Sections 306 and 201 of the IPC.

3. As per the prosecution, on 20.11.2021, the deceased Omprakash consumed a poison as a result of which he expired. He left behind suicide note in which he stated that his brothers have usurped his movable and immovable

property worth lakhs as a result of which he has been mentally harassed and that all his efforts for obtaining justice from various authorities have failed as a result of which he is ending his life. On the basis of suicide note of the deceased, the co-accused were implicated for the present offence and subsequently the applicant has also been implicated on the allegation that he had attempted to destroy the suicide note recovered from the deceased.

4. Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the case. The only allegation against him is that he had attempted to destroy the suicide note written by the deceased. There is no allegation against him of abetting or instigating the deceased to commit suicide. The main accused in the case namely Shivnarayan and Mangilal have already been enlarged on bail by this court by order dated 31.10.2022 in M.Cr.C.No.49938/2022. The applicant was also issued a notice under Section 41-A of the Cr.P.C and he was released and has since then been cooperating in the investigation and undertakes to cooperate in future also. On such grounds prayer for grant of benefit of anticipatory bail to the applicant has been made.

5. The aforesaid prayer has been opposed by the learned counsel for the respondent/State submitting that in view of the allegations levelled against the applicant, he is not entitled to get the benefit of anticipatory bail.

6. I have heard learned counsel for the parties and have perused the case diary.

7. The main accused in the case namely Shivnarayan and Mangilal have already been enlarged on bail by this Court. The allegation against them was harassing the deceased for him to commit suicide. The allegation against the applicant is only of attempting to destroy the suicide note of the deceased which has been recovered. The applicant was issued a notice under Section 41-A of the Cr.P.C and was released and has undertaken to cooperate in the investigation. Thus in my opinion, the applicant deserves to be granted the

benefit of anticipatory bail.

8. It is directed that in the event of arrest of applicant by the Arresting Officer, he shall be released on bail subject to his furnishing a personal bond in the sum of **Rs.50,000/-** with one solvent surety of like amount to the satisfaction of the Arresting Officer (Investigating Officer).

9. The applicant shall make himself available for interrogation by a Police Officer, as and when required. Applicant shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Cr.P.C.

10. Accordingly, Miscellaneous Criminal Case No.56786/2022, stands allowed and disposed off.

Certified copy as per rules.

**(PRANAY VERMA)**  
**JUDGE**

SS/-

