

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE PREM NARAYAN SINGH

ON THE 5th OF JULY, 2024

MISC. CRIMINAL CASE No. 23663 of 2024

(KANTA BAI

Vs

THE STATE OF MADHYA PRADESH)

Appearance:

(BY SHRI PARAKRAMSINGH CHOUHAN, ADVOCATE)

(BY MS. URMILA MALVIYA, PANEL LAWYER)

ORDER

This is the second bail application under Section 439 of the Code of Criminal Procedure filed on behalf of the applicant for grant of regular bail in connection with Crime No.263/2023, registered at Police Station-Jeeran, District-Neemuch (M.P.), for the offence under Sections 302, 120-B, 201 & 34 of IPC. The applicant is in custody since 18.08.2023.

(2) As per prosecution story, the allegation against the applicant is that of committing murder of one Gopal alongwith co-accused persons.

(3) Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in this case. It is further submitted that the present applicant has been implicated on the basis of her memorandum of statement recorded under Section 27 of Evidence Act. The case is based completely on circumstantial evidence and other co-accused Karulal has also been granted bail vide order dated 04.01.2024 passed in M.Cr.C. No. 56304/2024. The first bail application of the applicant was dismissed as withdrawn with liberty to renew the prayer after completion of three months in custody from the date of order. Now, after completing the aforesaid period, present petition has been filed. She has five children and she is the only person

to take responsibility of the children as well as the house. She is in custody since 18.08.2023 i.e. more than 11 months and conclusion of trial will take a long time. Under these circumstances, he prays for grant of bail to the applicant.

(4) Learned counsel for the respondent/State opposes the prayer and prays for its rejection.

(5) After hearing learned counsel for the parties and looking to the facts and circumstances of the case, I am of the view that it is a fit case for grant of bail. Consequently, without commenting on the merits of the case, the application is **allowed**.

(6) It is directed that applicant be released on bail on his/her furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his/her regular appearance before the trial Court during trial with a condition that he/she shall remain present before the concerned Court on all the dates fixed by it during trial. He/She shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

(7) This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(PREM NARAYAN SINGH)
JUDGE