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

**BEFORE
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL**

ON THE 2nd OF DECEMBER, 2022

MISC. CRIMINAL CASE No. 49242 of 2022

BETWEEN:-

**NARESH NISHAD S/O SHRI MATTARAM NISHAD, AGED
ABOUT 35 YEARS, OCCUPATION: LABOUR R/O GUNDA
GHAT GAYTRI NAGAR POLICE STATION KOTWALI
KATNI DISTRICT KATNI (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI SATISH KUMAR DUBEY-ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH THE
POLICE STATION KOTWALI KATNI DISTRICT KATNI
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI S. K. YADAV-DEPUTY GOVERNMENT ADVOCATE)

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

ORDER

This is first bail application filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure pending the trial.

The applicant is in custody since 28.09.2022 in connection with Crime No. 633/2022, registered at P.S.-Kotwali Katni, District- Katni (M.P.) for the offence punishable under Section 306 of IPC.

As per the prosecution case, deceased was married with the applicant 15 years ago. They are blessed with three children. At present, deceased was residing at her parental house. On 26.06.2022 she committed suicide by

consuming some poisonous substance. After investigation, charge sheet has been filed.

Learned counsel for the applicant has submitted that applicant has not committed any offence. He has been falsely implicated. The deceased was not living with the applicant for the last 3-4 months and was living at her parental house. Litigations were pending between them before the Family Court. The applicant had no chance to instigate or abet the deceased to commit suicide. No offence under Section 306 of IPC is made out. Therefore, it has been prayed that the applicant/accused be released on bail pending the trial.

On the other hand, learned counsel for the State has opposed the grant of bail to the applicant.

It is admitted that the applicant and the deceased as husband and wife were on the loggerheads as some litigations were pending between them before the Family Court and deceased was not living with the applicant for a considerable period. Therefore, having taken into consideration all the facts and circumstances of the case, but without expressing any opinion on the merits of the case, I am of the view that it is a case in which further pretrial detention of the applicant/accused is not warranted. Consequently, first bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed**.

It is directed that applicant-**Naresh Nishad** be released on bail on his 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 regular appearance before the concerned Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

This order will remain operative subject to compliance of the following

conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;

2. The applicant will cooperate in the trial;

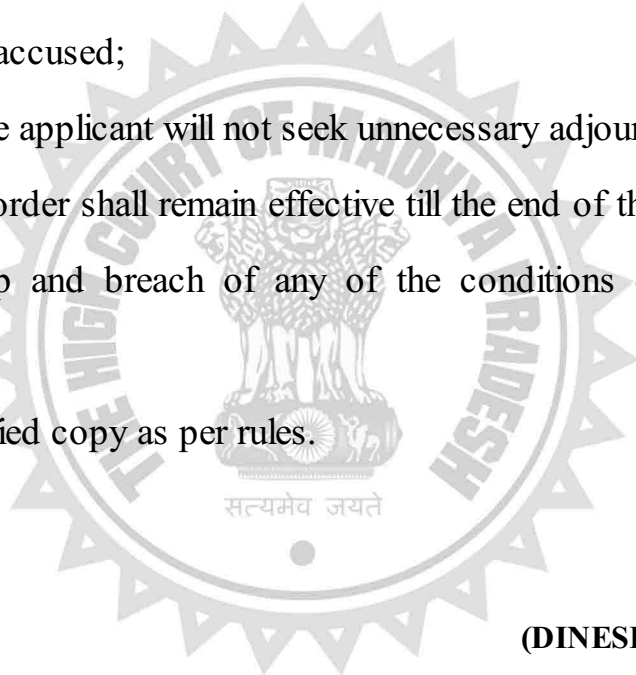
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicant shall not commit an offence similar to the offence of which he is accused;

5. The applicant will not seek unnecessary adjournments during the trial.

This order shall remain 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.



(DINESH KUMAR PALIWAL)
JUDGE