

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

BEFORE

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 11th OF JUNE, 2024

MISC. CRIMINAL CASE No. 21256 of 2024

BETWEEN:-

**RAEES KHAN S/O ISHAQUE MOHAMMAD, AGED ABOUT
54 YEARS, OCCUPATION: BUSINESSMAN WARD NO.12,
CHANDASTOLA, ANUPPUR, DISTRICT ANUPPUR (M.P.)
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI AHADULLA USMANI, ADVOCATE)

AND

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

.....RESPONDENTS

(BY SHRI ASHOK KUMAR PALI, ADVOCATE FOR OBJECTOR)

***(BY SHRI PRAMOD GAUTAM, PANEL LAWYER FOR RESPONDENT-
STATE)***

सत्यमेव जयते

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

ORDER

This is the **first** application filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail filed on behalf of the applicant relating to FIR/Crime No.269/2024 dated 11.05.2024 registered at Police Station-Anuppur, District-Anuppur for the offence punishable under Section 304 r/w 34 of IPC.

2. Learned counsel for the applicant submits that applicant is innocent and he has no intention on his part for the commission of such offence. He is a

simple businessman. The unfortunate incident has occurred but it does not involve any negligence on the part of the applicant. Learned counsel for the applicant further submits that utmost it is a case under Section 304-A IPC, which is bailable in nature. To bolster his contention, he has relied upon the judgment of Hon'ble Supreme Court in the case of **K. Rajendran Babu and Another vs. State, Rep. by the Inspector of Police and Another 2021 SCC OnLine Mad 1165** and **Dipak Kumar Sen and Another vs. State of West Bengal and Others 2023 SCC OnLine Cal 3020**. He also submits that the applicant is ready to furnish adequate surety and he will abide by all directions and conditions which may be imposed by the court. Upon these grounds, the applicant may be released on bail.

3. Learned counsel for the State as well as the objector have vehemently opposed the prayer on the ground that ingredients of Section 304 IPC are attracted. Investigation is in process, therefore, prayed for dismissal of the bail application.

4. Heard learned counsel for the parties and perused the case diary.

5. Going through the prosecution story this is a case where drowning has taken place resulting in the death of deceased -Shubham, aged 17 years in the swimming pool managed by the applicant. After due consideration of facts and overall circumstances of the case, this court is inclined to grant bail to the applicant. Consequently without commenting on the merits of the case, first bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed**.

6. It is directed that the applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs. 50,000/- with one solvent surety in the like amount to the satisfaction of trial court for his regular appearance before

the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He 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.

8. Accordingly, this M.Cr.C. stands allowed and disposed off.

9. C.C. as per rules.

KPS



(BINOD KUMAR DWIVEDI)
V. JUDGE