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MCRC-45193-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 24th OF OCTOBER, 2024MISC. CRIMINAL CASE No. 45193 of 2024*DHEERAJ JAIN**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri T.K. Vishwakarma - Advocate for applicant.

Shri A.S. Baghel - Government Advocate for respondent/State.

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ORDER

This is the **second** application filed by the applicant under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail relating to Crime No.110 of 2024 registered at Police Station Lakhnadon District Seoni (M.P.) for the offences under Sections 302, 201 and 34 of the Indian Penal Code. The earlier application was dismissed on merits vide order dated 15.07.2024 passed in MCrC No.25350 of 2024.

2. As per the prosecution story, the applicant along with other co-accused is alleged to have committed murder of his *Bhabhi* Manju. Accordingly, the case has been registered.

3. This time the bail is pleaded *inter alia* on the ground that statements of material witnesses have been recorded before the trial Court and they have not supported the case of the prosecution. The statement of mother of the deceased i.e. Kasturi Bai (PW3) has been recorded in which only suspicion has been raised against the applicant pointing out some previous incidents of



fight between the applicant and the deceased. The deceased was living separately. The applicant is in custody since 28.02.2024. Trial will take considerable time to conclude. There is no one at home to take care of his family. No other material witnesses remained to be examined before the trial Court. Only the police officials and medical experts remain to be examined. It is a case of circumstantial evidence. As there is no further requirement of custodial interrogation of the applicant coupled with the fact that there is no possibility of threatening the prosecution witnesses, the applicant's counsel prays for grant of bail. The applicant is ready to furnish adequate surety and shall abide by all the terms and conditions that may be imposed by this Court while considering the bail application.

4. *Per contra*, the counsel appearing for the State has vehemently opposed the contentions pointing out the fact that on earlier occasion, the bail applications of the applicant and co-accused have already been rejected on merits but he could not dispute the fact that the material witnesses have turned hostile and have not supported the prosecution case. He has drawn attention of this Court to the statement of the mother of the deceased wherein to some extent she has levelled suspicion upon the applicant pointing out the fact that her daughter used to narrate the incidents of fights between the applicant and the deceased. Apart from the aforesaid, there is no other material available on record against the applicant. It is pointed out that the keys of house of the deceased were recovered from applicant's possession. For this, the applicant's counsel has submitted that the deceased used to reside in the neighbouring house and after the death, the keys were taken into



possession by the applicant, therefore, the same were recovered from his possession. However, there is nothing to implicate the applicant for commission of murder of his *Bhabhi* Manju. State counsel has prayed for dismissal of the application.

5. Considering the overall facts and circumstances of the case and without commenting upon the merits of the case, this Court now deems it appropriate to allow this application. **Accordingly, the application is allowed subject to verification of the fact that the applicant is the first offender.** The applicant is directed to be released on bail on furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of trial Court. It is also directed that the applicant shall comply with the conditions as enumerated under Section 437(3) of CrPC.

6. This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench. In the event of involvement of the applicant in any other offence, the liberty granted by this Court shall stand rejected automatically.

7. In above terms, the application stands allowed and disposed of.

(VISHAL MISHRA)
JUDGE