

**Misc.Cr.Case 9059/2011**

**26.12.2011.**

Shri Deepesh Sharma, learned counsel for the applicant.

Shri Mukesh Kumawat, learned Panel Lawyer for the Non-applicant/State.

They are heard.

By this application filed under sec. 439 of the Cr.P.C. the applicant Dilip alias Papu Soni has prayed for grant of bail being implicated in Crime No. 522/11 registered by Police Station Tukoganj, Indore for the offence punishable under section 306/34 of the Indian Penal Code.

Counsel for the applicants has vehemently urged that it is a case of false implication. Counsel stated that even in the FIR nor in the statement before the police applicant has been named and only on the statement given by the brother to the police, the applicant has been implicated..Even if the prosecution allegation is considered, counsel submitted that there remains only the charge under section 506 of the IPC. Counsel stated that the applicant is the only bread winner in the family and is in custody since 23.07.2011 and . He, therefore, prayed for grant of bail to the applicant.

Counsel for the non-applicant/State on the other hand, has opposed the submissions of the counsel for the applicant and has stated that the applicant was fully implicated in the matter.

On considering the above submissions, the impugned order and the material available in the case diary and looking to the nature of allegations and the fact that that the challan has been put up and

applicant is in jail since 23.07.2011, applicant needs to be allowed.

However, stringent measures need to be imposed, therefore, it is ordered that the applicant be released on bail on their furnishing a bail bond for a sum, of Rs. 25,000/- (Rupees Twenty five Thousand) with one surety of like amount to the satisfaction of the trial Court for his appearance before the concerned trial Court on all dates of hearing as may be fixed by the Trial Court in this behalf during the pendency of trial.

By way of abundant caution, it is further directed a that they shall also mark their presence in the concerned Police Station on the first Sunday of every month between 10.00AM to 12.00 noon during pendency of the trial. Any default in attendance in Court and marking presence in the concerned Police Station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicant in custody immediately.

It is also directed that the applicants shall abide by all the conditions enumerated under section 437(3) of the Cr.P.C.

CC as per rules.

**(Mrs.S.R Waghmare)**  
**Vac. J U D G E**

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