

M.Cr.C. No.1403/2013**28.2.2013**

Shri Vivek Singh, learned counsel for the applicant.

Ms. Mamta Shandilya, learned counsel for the respondent/State.

Heard on the question of grant of bail.

This is an application made by the applicant (accused) under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for offences punishable under Section 304-B, 498-A/34 of the IPC registered with Police Station Juni Indore, Indore, in Crime no.398/2012.

Learned counsel appearing for the applicant submits that the Sarika, wife of the applicant, had committed suicide on 29.11.2012 and at the time of Panchnama dead body, the parents of the deceased were present but they had not alleged commission of any offence against the present applicant. He has submitted that the statement of the parents of the deceased were recorded on 11.12.2012, when for the first time they had made allegation against the present applicant. He has further submitted that the parents of the deceased have made general and omnibus allegations against the present applicant and that the similar allegations were also made against co-accused Nanakram, who has been granted bail on 24.12.2012 in M.Cr.C. No.9605/2012. He has also submitted that the applicant is in custody since 11.12.2012, the investigation is complete and Challan has already been filed.

In reply, learned counsel for the State has opposed the application for grant of bail and has referred to the statement of Sevakram recorded under Section 161 of the Cr.P.C.

On perusal of the case diary and considering the circumstances of the case, I find prima facie force in the submissions made by the counsel for applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly allowed.

The applicant is directed to be released on bail on his furnishing a

personal bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one surety in the like amount to the satisfaction of the Trial Court for his appearance as and when directed.

The applicant will attend each hearing of his trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

Certified copy as per rules.

(Prakash Shrivastava)
J U D G E

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