

Misc. Criminal Case No. 1620 of 2013

28/2/2013

Shri A.K.Saraswat, learned counsel for the applicant.

Shri Deepak Rawal, learned counsel for the Respondent/State.

Shri R.L. Patidar, learned counsel for the complainant/objector.

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 offence punishable under Section 498-A IPC registered with Police Station Neemuch Cant. in Crime no.68/2013.

Learned counsel for the applicant submits that the applicant had left the complainant wife on 8/1/2013 in the house of her parent. He further submits that the complainant was pregnant at that time and she was admitted in the hospital by her parents on 26/1/2013 when abortion had taken place and thereafter on 27/1/2013, present FIR has been lodged against the present applicant and all other family members of the applicant including his parents as well as elder brother. He has further submitted that

the said complaint has been made since the complainant and her family members are aggrieved with the abortion which had taken place and that the offence is triable by Judicial Magistrate First Class and all other co-accused persons have been granted bail by this Court and the applicant is in custody since 7/2/2013 and that the investigation is complete and challan has already been filed.

Learned counsel for the State has opposed the application for grant of bail and has submitted that since the applicant is husband of the complainant therefore, he is not entitled for grant of bail.

Counsel for the objector has also opposed the bail application and has submitted that if the applicant comes out he would threaten the complainant, but no cogent material has been pointed out to show that the applicant had extended any threat after his arrest.

Considering the submissions made by counsel for the parties and taking note of the nature of offence, I find it to be a fit case for grant of bail to the applicant.

The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees 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)
Judge

BDJ