

M.Cr.C. No. 7306 of 2014

29.05.2014

Shri Umakant Sharma, learned Sr. Adv assisted by Shri B.P. Choubey, learned counsel for the applicant.

Shri Prakash Gupta, learned counsel for respondent-State.

Learned PL submits that he is under receipt of the case diary.

Heard.

On behalf of the applicant, this petition is preferred under Section 439 of Cr.P.C for grant of bail as he is in custody since 23.03.2014 in connection of Crime No. 202/14, registered at Police Station Burhar, District Shahdol for the offence punishable under Sections 306, 498-A of IPC.

Learned Senior Counsel of the applicant after referring the averments made in the petition as well as rejection order of the trial court by referring the papers of the charge sheet argued that the deceased was not married wife of the applicant in accordance with the customs but she was residing with him after leaving her married husband, with whom she was married and in last 10-12 years, they were blessed with the four children as has come in the interrogatory statements of the mother of the deceased and there was no any *prima facie* positive evidence to show that the deceased was instigated by the applicant at any point of time, while residing together, to commit suicide. Even the persons of the locality, whose interrogatory statements were recorded have not stated any incriminating thing against the applicant with respect of the alleged offence. Besides this on merits, he also said that subsequent to death of the deceased, the applicant is in jail and there is no other person in the family to look after the above mentioned minor children and if the applicant is not released on bail, then their future may be destroyed and prayed to release the applicant on bail by allowing this petition.

The aforesaid prayer is opposed by the State's counsel with the

assistance of the case diary saying that looking to the nature of the evidence collected by the Investigating Agency, it is apparent that there was some quarrel between the applicant and the deceased in the regular course of life and due to that she had committed suicide. However, he fairly conceded that the persons of the locality have not stated any incriminating thing against the applicant but the parents of the deceased have stated the same and prayed for dismissal of the petition.

Having heard, keeping in view the arguments, after perusing the case diary taking into consideration the nature of the evidence collected by the Investigating Agency alongwith the circumstance that the witnesses of the locality have not stated any incriminating thing against the applicant and after arrest of the applicant his four minor children are also facing problems for their livelihood, without expressing any opinion on merits of the matter, this petition is allowed and it is further directed that on furnishing a personal bond of **Rs. 30,000- (Rs. thirty thousand)** alongwith one surety of the like amount to the satisfaction of the trial court, the applicant, Sukhalal shall be released on bail with a direction to appear on each and every date of hearing before the trial court.

His single non appearance before the trial court shall lead to automatic dismissal of this bail order.

C c as per rules.

**(U.C. Maheshwari)
V. Judge**

bks