

## **MCRC-13602-2015**

*(AWDHESH @ ABBU Vs THE STATE OF MADHYA PRADESH)*

**31-08-2015**

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

Shri Amit Pandey, learned Panel Lawyer, for the respondent/State.

Heard arguments.

Perused case diary and material on record.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. in connection with crime no.162/2015 registered at Police Station Nowgaon, District Chhatarpur, against him for the offence punishable under Section 306 of the IPC.

Prosecution allegations against the applicant are that he would quarrel with his wife Ram Devi in a drunken state and say to her that she should go and die, on account of which she committed suicide by setting herself on fire. In the course of treatment, she succumbed to burn injuries.

Learned counsel for the applicant submits that the applicant has been in custody since 2.5.2015 and the charge sheet had been filed. It is also submitted by him that if the prosecution case is accepted as it is, despite that the offence of abetment of suicide is not made out against the applicant because the taunts and beatings on the part of applicant to the deceased may be a cause, but that cause cannot be equated with an offence of abetment of suicide as defined under Section 107 of the IPC. Upon these submissions, learned counsel prays for grant of bail to the applicant.

Learned Panel Lawyer opposes the prayer.

On due consideration of the facts and circumstances of the case, the submissions raised on behalf of the parties by their counsel, but without expressing any opinion on merits of the case, I am of the view that it is a fit case for grant of bail to the applicant. Hence, the application is allowed. It is

ordered that applicant **Awdhesh alias Abbu** be released on bail on his furnishing a personal bond in the sum of **Rs.40,000/- (Rupees Forty Thousand Only)** with one solvent surety of the same amount to the satisfaction of the court concerned for his appearance on all such dates as may be fixed by it in this regard. He shall abide by the conditions enumerated in Section 437(3) of the Cr.P.C. In case of bail jump, the court concerned will have power to cancel the applicant's bail.

Certified copy as per rules.

**(RAJENDRA MAHAJAN)**  
**JUDGE**