

**M.Cr.C. No. 1005/2017**

**31.01.2017**

Shri Vivek Singh, learned counsel for the applicant.

Shri P.M.Bhargava, learned counsel for the respondent-State.

Heard.

Case-diary perused.

This is the first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail. The applicant is in custody since 05/01/17 in connection with Crime No.04/17 registered at Police Station-Shujalpur, Distt. - Shajapur for the offence punishable under Section 304-B & 498-A of IPC.

The facts of the case revealed that deceased committed suicide by jumping into the well and on the basis of the statement of the deceased, a criminal case has been registered against the present applicant.

Learned counsel for the applicant has argued before this Court applicant is innocent and has falsely been implicated in the crime. It is also submitted that earlier FIR has been lodged by the deceased against the present applicant on 05/11/16, wherein there is no allegation in respect of the present applicant, who is mother-in-law of the deceased, regarding assault or subjecting the deceased to any cruelty and infact the allegations are against the husband and father-in-law.

On the other hand, learned counsel for the State has opposed the bail application and his contention is that on 05/11/16, prior to the death of the deceased, an FIR was lodged by the deceased against the present applicant also and, therefore, question of grant of bail does not arise.

This Court, after hearing learned counsel for the parties, considering the circumstances of the case and on perusal of the case-diary, is of the opinion that the present bail petition 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.1,00,000/- (Rs. One Lac Only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance as and when directed.

C.c. as per rules.

**(S.C.SHARMA)**  
**J U D G E**

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