

**The High Court Of Madhya Pradesh**

**Indore : 31/07/2018 :-**

Shri Bhagwan Singh, learned counsel for the petitioners.

Shri Suraj Sharma, learned Government Advocate for the respondent/State.

Heard with the aid of case diary.

**O R D E R**

As per statement made by the accused/petitioners, this is the first bail application under Section 439 of Cr.P.C. before High Court in connection with Crime No.128/2017 under Section 302, 201 readwith Section 34 of IPC registered at Police Station - Katthiwada, District-Alirajpur. No other bail application has been preferred by them.

2. According to the prosecution case, one Kaduda was missing from his house. His son Govind was also not at home and he had gone to earn his livelihood to Gujarat. After 4-5 months when he came back to his Village, he came to know about the fact of missing of his father. He also tried to trace him but could not find any whereabouts, so he approached the Police and lodged missing person report. During investigation, the Police recovered some bones and on chemical examination these were found human bones. After lodging of missing person report Govind informed the Police that during inquiry at his level, he came to know that Kulsingh and other co-accused persons have murdered his father. Police took the co-accused persons and the present petitioner in custody and interrogated them. On their disclosure the Police recovered a wooden stick from Kulsingh and few ornaments from the co-accused

persons. A Bracelet was seized from Damla, which was duly identified by son of the deceased as property of deceased. Few clothes of the deceased were recovered from Parsingh but no identification is conducted for those clothes. After completing investigation the Police filed charge-sheet.

**3.** During investigation the prosecution examined Govind (PW-1), Dhoorsingh (PW-2) and Seliya (PW-3). All have turned hostile and have not supported the case of the prosecution. Witness of seizure Sanjay, Kalu and Govari have turned hostile and not supported the case of prosecution.

**4.** It is argued by the learned counsel for the petitioners that co-accused Kalusingh was granted bail by this Court vide order dated 04/07/2018 passed in M.Cr.C. No.20260/2018. It is also argued that petitioners are innocent and there is no evidence against them. Conclusion of trial is likely to take time.

The petitioners are permanent resident of **District-Alirajpur**. There is no possibility of their absconding. The accused are in custody from 25/12/2017 and 02/01/2018 respectively. Investigation is over and charge sheet has already been filed. They are ready to furnish adequate security, therefore, they may be released on bail.

**5.** The Prosecution has opposed the bail application.

**6.** Considering the evidence collected during investigation, statement of the witnesses already examined, ground of parity and other facts and circumstances of the case, coupled with the period of detention, without commenting on merits of the case, the application is allowed.

**7.** It is directed that the **petitioner No.1- Parsingh S/o Janiya Nayak and petitioner No.2 Damla S/o Mana**

**Bhilala** be released from custody on their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** each with **one** solvent surety each of the like amount to the satisfaction of the Trial Court for their appearance before the Trial Court, as and when required further subject to the following conditions :-

- (i) The petitioners shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial;
- (ii) The petitioners shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade him from disclosing truth before the Court;
- (iii) The petitioners shall not commit any offence or involve in any criminal activity;
- (iv) In case of their involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

**(Virender Singh)**  
**Judge**

**Aiyer\***

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