

The High Court Of Madhya Pradesh

Indore : 31/10/2018 :-

Shri Vikas Rathi, learned counsel for the applicant.

Ms. Swati Ukhale, learned Government Advocate for the non-applicant/State.

Heard with the aid of case diary.

ORDER

This is the first bail application under Section 439 of Cr.P.C. before High Court in connection with Crime No.207/2018 under Section 304-B, 34 of IPC registered at Police Station – Kurawar, District-Rajgarh and is in custody since 09/07/2018.

2. The applicant has filed this application on the ground that the applicant his the husband of the deceased and he has is innocent and also has falsely been implicated in the present case. There is *prima facie* no evidence available against him. It is further submitted that co-accused persons Sunitabai and Parwatibai have been released on bail vide order dated 10/09/2018 passed in M.Cr.C. No.35486/2018. Conclude of trial is likely to take time. The applicant is permanent resident of **District-Rajgarh**. There is no possibility of his absconding. He is ready to furnish adequate security. The accused is in custody since 09/07/2018. Investigation is over and charge-sheet has already been filed. Trial is likely to take time, therefore, he prays for release of the applicant on bail.

4. On the other hand, the learned Government Advocate has opposed the bail application.

5. After going through the case-diary produced by the

prosecution and also after perusal of the record, it appears that there is ample evidence available on record against the applicant. He physically assaulted the deceased, thus, benefit of parity with co-accused cannot be extended to the present applicant, therefore, at this stage, I do not find any reason to enlarge the applicant on bail. Accordingly, the same is **dismissed**.

(Ms. Vandana Kasrekar)
Judge

Aiyer*

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