

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.28954/2020

(Prabhubai W/o Late Shivsingh Vs. State of M.P.)

Indore, Dated: 31/08/2020

Shri K.K. Tiwari, learned counsel for the applicant.

Shri Saransh Jain, learned counsel for the respondent/State.

Heard through video conferencing on the question of grant of bail.

This is an application made by the applicant-accused under Section 439 Cr.P.C. for grant of bail during trial.

Notice of this application was served on the State counsel. Case diary as per the direction of this Court has been produced and it has been perused.

The applicant is facing trial for offence punishable under Section 498-A, 304-B/34 of the IPC registered with Police Station Susner, District Agar (Malwa), in Crime no.179/2020.

Learned counsel for the applicant submits that the applicant is *Bhua Saas* (sister of father-in-law) of deceased. He further submits that she is widow lady, therefore, she was residing in the house of her brother. He also submits that one Balkunwar along with minor daughter Payal had committed suicide on 26/05/2020 whereas the FIR has been lodged on 13/06/2020 and further first time the statement of relatives of the deceased were recorded on 16/06/2020. He further submits that in similar circumstances, co-accused Basantibai has been granted bail by order dated 18/08/2020 passed in M.Cr.C. No.26301/2020 and the case of the applicant stands on the same footing, therefore, she is also entitled for grant of bail on the ground of parity. He further submits that the applicant is in custody since 15/06/2020 and that the investigation is complete and challan has already been filed.

Learned counsel for the State has opposed the application for grant of bail but has not disputed that the case of the applicant stands on the same footing as that of co-accused Basantibai.

On perusal of the case diary, considering the circumstances of the case and also taking note of the issue of parity, I find prima facie force in the submissions made by the counsel for applicant. Hence I am of the considered view that the application for grant of bail deserves to be allowed and is accordingly **allowed**.

The applicant is directed to be released on bail on her furnishing a personal bond in the sum of Rs.35,000/- (Rupees Thirty Five Thousand) with one surety in the like amount to the satisfaction of the Trial Court for her appearance as and when directed.

The applicant will attend each hearing of her trial before the Trial Court out of which this bail arises. Any default in attendance in Court would result in cancellation of the bail granted by this Court.

Certified copy as per rules.

(Prakash Shrivastava)
Judge

krjoshi

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