

HIGH COURT OF MADHYA PRADESH :INDORE BENCH

M.Cr.C. No.39218/2020
(Bhika Mahale & Sakubai Vs. State of M.P.)

Indore dated :23.10.2020

Heard through video conferencing.

Shri Ashish Gupta, learned counsel for the applicants.

Shri Palash Choudhary, learned Public Prosecutor for the non-applicant/State, is present through Video Conferencing.

Shri Nilesh Sharma, learned counsel for the objector.

I.A. No.6958/2020 has been filed by the objector for objection on bail.

On due consideration, I.A. No.6958/2020 is allowed and stands disposed of.

Heard. Perused the case diary.

This is second application under Section 439 of Cr.P.C. for grant of bail in connection with Crime No.99/2020, registered at Police Station – Khetiya, District – Barwani(M.P.), for commission of offence punishable under Section 306/34 of IPC. The applicants are in custody since 23/06/2020.

Their first bail application has been dismissed on merit vide order dated 7/08/2020, passed in M.Cr.C. No.26911/2020.

Learned counsel for the applicants submit that the present applicants are innocent and they have been falsely implicated in the alleged offence. There is no legal evidence to connect the applicants with the alleged crime. He further submits that the registration of the instant case against the applicants was nothing, but a mere formality on behalf of the investigating agency to complete the investigation. It is further submitted that the applicants are in custody for more than three months. Conclusion of the trial is also likely to take long time. In such circumstances, he prays that the applicants be released on bail.

On the other hand, learned Public Prosecutor for the non-

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applicant/State as well as learned counsel for the objector opposes the bail application. They submits that there is ample evidence against the present applicants regarding their involvement in the alleged crime. So also, there is no change in the circumstances to consider this repeat bail application and, therefore, prays for dismissal of this bail application.

Heard learned counsel for the parties and also perused the case diary.

Considering the aforesaid submissions made by the learned counsel for the applicants and material evidence available in the case diary, I am of the view that no new ground has been alleged by the learned counsel for the applicants. He has failed to point out to this Court any change in the circumstances to consider this repeat bail application. However, at this stage, I do not find it fit to release the applicants on bail.

The M.Cr.C. filed by the applicants has no merit and is, accordingly, dismissed.

(Ms. Vandana Kasrekar)
Judge

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