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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE SATYENDRA KUMAR SINGH  
ON THE 29<sup>th</sup> OF APRIL, 2022**

**MISC. CRIMINAL CASE No. 21259 of 2022**

**Between:-**

**HEMANT S/O MUKESH KOCHAK , AGED ABOUT 31  
YEARS, OCCUPATION: PVT. SERVICE DAWANA  
(MADHYA PRADESH)**

**.....PETITIONER**

**(BY SHRI VIVEK SINGH WITH SHRI S.K. MEENA)**

**AND**

**THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER POLICE STATION KUKSHI  
(MADHYA PRADESH)**

**.....RESPONDENTS**

**(BY SHRI MUKESH SHARMA, GOVT. ADVOCATE)**

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*This application coming on for orders. this day, by Shri Justice Satyendra Kumar Singh passed the following:*

**ORDER**

This is first application filed under section 439 of Cr.P.C. for grant of bail to the applicant, as he has been arrested on 22.03.2022 in connection with Crime No.142/2022 registered at Police Station Kukshi, Dhar, Indore Dhar Indore for commission of offence punishable under Section 306 of IPC.

Prosecution story, in brief, is that applicant solemnized his marriage with deceased (Puja) on 08.12.2020. After marriage, applicant did not keep her alongwith him at Indore and applicant was having affair with co-accused Namrita and both of them alongwith other co-accused person Sushila used to harass her mentally and physically, due to which, deceased committed suicide by hanging within two years of her marriage.

Learned counsel for the applicant submits that admittedly before the incident, deceased was living at her paternal house. Deceased in her written suicide note alleged against the applicant that he was not keep the deceased with him and he was having affair with some other girl but she nowhere alleged about ill treatment with her. As deceased was not living with the applicant just before the

committing suicide, therefore, offence under Section 309 of IPC is not made out. Omnibus allegations were made against the applicant who is in custody since 22.03.2022. Co-accused person has already been enlarged on bail by this Court. Charge sheet has been filed in the matter. Trial will still take time for its conclusion. Hence, prayer is made to enlarge the applicant on bail.

Learned counsel for respondent/State has opposed the application supporting the order impugned and submits that deceased committed suicide due to harassment of the applicant and co-accused person. She in her suicide note specifically mentioned about applicant's act and offences alleged against the applicant are of serious in nature. Therefore, no case is made out for grant of bail.

Having considered the rival submissions, material produced on record, specially suicide note, copy of whats app chat said to be sent by the deceased to the applicant and also considering the other facts and circumstances of the case, this Court is of the view that the applicant deserves to be enlarged on bail, hence, without commenting anything on the merits of the case, the application is allowed.

It is directed that the applicant is directed to be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand Only) with a solvent surety** in the like amount to the satisfaction of the concerned Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr. P. C.

In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned Jail Authority is directed to follow the directions/guidelines issued by the Government with regard to COVID-19 before releasing the applicant.

This M.Cr.C. stands allowed and disposed of.

C. C. as per rules..

(SATYENDRA KUMAR SINGH)  
JUDGE

Vibha

