

(2021) 06 MP CK 0065

Madhya Pradesh High Court (Indore Bench)

Case No: Miscellaneous Criminal Case No.25968 Of 2021

Mamta W/O Parvat Singh

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision: June 10, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 437(3), 439
- Indian Penal Code, 1860 - Section 109, 120B, 201, 302, 323

Hon'ble Judges: Subodh Abhyankar, J

Bench: Single Bench

Advocate: Mukesh Sinjoniya, Zeeshan Khan

Final Decision: Allowed

Judgement

Subodh Abhyankar, J

This is the applicant's first application under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime

No.205/2021, registered at Police Station-City Biaora, District-Rajgarh (MP) for offence punishable under Sections 302, 201, 323, 120-B, 109 of the IPC.

The applicant is in custody since 31/03/2021.

The allegation against the applicant is that she being the step mother of one Arun the deceased conspired with her husband Parvatsingh and murdered

the deceased and on a report made by the first wife of Parvatsingh of whom the deceased was the real son. The present applicant has also been

arrested on 31.3.2021 as it is alleged that prior to his death, the deceased was tortured by the applicant and her husband and when he died because of

their treatment he was cremated by Parvat Singh and Jitendra without intimating the same to the complainant, who is the mother of the deceased.

Learned counsel for the applicant has submitted that the charge sheet has already been filed and the applicant is in jail since 31.3.2021 and apart from

the complainant no other person has made any incriminating statement against the applicant that she used to harass or to treat the deceased with

cruelty and the main allegations are against the co-accused Parvat Singh and Jitendra, who are found to be carrying the deceased for cremation.

Counsel has further submitted that the final conclusion of the trial is likely to take sufficiently long time and hence, he prayed that the bail application

be allowed.

Learned Panel Lawyer for the respondent/State has opposed the prayer.

Having considered the rival submissions, perusal of the case diary, and it is found that the only allegation which has been levelled against the present

applicant is that the mother the deceased, who happens to be the first wife of Parvatsingh and the present applicant is the second wife of Parvat Singh

and the other evidence available on record is against Parvat Singh and Jitendra only. In view of the same, prima-facie, the culpability of the present

applicant cannot be established and hence, in the considered opinion of this Court, the applicant's application deserves to be allowed.

Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on

bail upon furnishing a personal bond in the sum of Rs.50,000/-(Rupees Fifty Thousand only) with one solvent surety of the like amount to the

satisfaction of the trial Court for his/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before

the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

It is observed that, after being released on bail, if the applicant again indulges himself in any criminal activity, the present bail order shall stand

cancelled without further reference to the Court and the police shall be entitled to arrest the applicant in the present case also.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.