
(2024) 02 MP CK 0028

Madhya Pradesh High Court (Indore Bench)

Case No: Miscellaneous Criminal Case No. 6031 Of 2024

Kartikay

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision: Feb. 9, 2024

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 306

Hon'ble Judges: Vijay Kumar Shukla, J

Bench: Single Bench

Advocate: Ritu Raj Bhatnagar, Sachin Jaiswal

Final Decision: Allowed/Disposed Of

Judgement

Vijay Kumar Shukla, J

1. This is second application under section 439 Cr.P.C. for grant of regular bail in connection with FIR No.363/2023 dated (not mentioned) registered at P.S - Jeeran, District - Neemuch (M.P.) for offences punishable under Section 306 & 34 of IPC. The first application was dismissed as withdrawn with liberty to revive after filing of the charge-sheet. Counsel for the applicant submits that the charge-sheet is filed.

2. As per the prosecution case, one Pankaj committed suicide by hanging and has left a suicide note. In the suicide note, he has stated that Vicky, Kartikeya, Rajuwala and Kailashibai are responsible for her death. It is alleged that co-accused Vicky used to call her friend Rekha whom she was in love affair. Against the present applicant, the allegation is that along with Vicky, he used to cause mental harassment etc. There is no direct allegation of any physical or mental harassment against the present applicant. The investigation has been completed and the charge-sheet has been filed.

3. Counsel for the State opposes the prayer and prays for dismissal of the application.
4. After hearing learned counsel for the parties and considering the suicide note, the allegation against the present applicant is only to facilitate the co-accused in commission of offence and he has been made an accused with the aid of Section 34 of IPC, the charge-sheet has been filed and no further custodial interrogation is required, I am of the view that the applicant is entitled for grant of bail. Therefore, without commenting on merits of the case, the application is allowed.
5. It is directed that applicant Kartikaya shall be released from custody upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety of the like amount to the satisfaction of the Ld. Court below.
6. A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the Court below.
7. With the aforesaid, the application is allowed and disposed off.