

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
MCRC No. 27927 of 2024
(ARJUN BARELA VS. STATE OF MADHYA PRADESH)**

Dated: 20-07-2024

Appearance:

Shri Shiddarth Sijoria- Advocate for applicant.

Shri Lokendra Shrivastava- Public Prosecutor for respondent- State.

ORDER

This **first** application has been filed by applicant under Section 439 of Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.228 of 2024 registered at Police Station Myana, District Guna for offence punishable under Sections 306, 323, 294, 34 of IPC. Applicant is in judicial custody since 16-06-2024 (**as per arrest memo**).

As per the case of prosecution, Lalita Bai, W/o Jitendra Barela committed suicide by hanging at her residence at Upreti Mohalla, Umri, PS Myana, District Guna. Jitendra informed the incident to PS Myana. Unnatural Death Intimation No.25 of 2024 was registered. Dead body of Lalita was forwarded for postmortem examination. Medical Officer opined that Lalita has died due to asphyxia caused by ante-mortem hanging. During inquest, statements of relatives of deceased were recorded. They alleged that Lalita was married to Jitendra. Lalita and Jitendra were residing in a tenanted premises at Umri. They used to visit family home of Jitendra at Village Malli. Fifteen days before death of Lalita when Lalita and her husband Jitendra visited Village Malli, Arjun Barela (applicant) assaulted Lalita over family matter. When Lalita came to Village Sersaleya, PS Sirsi, she informed that her husband Jitendra also harassed and manhandled her. Lalita was sent back to Umri. There, she committed suicide due to harassment of her husband and

brother-in-law. On such allegations, PS Myana registered FIR at Crime No. 228 of 2024 for offence punishable under Sections 306, 323, 294, 34 of IPC against Jitendra Barela and Arjun Barela (applicant). Statements of witnesses have been recorded. Applicant was arrested on 16-06-2024, he is in custody ever since. Jitendra was also arrested on 12-06-2024. On completion of investigation, Final Report was submitted on 28-06-2024.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant is falsely implicated in this matter merely for the reason that he is brother-in-law of the deceased. Deceased and her husband were living separately at Umri. There is no live-link between alleged incident of manhandling and death of deceased. No offence, as alleged is made out against the applicant. Learned Counsel further submits that that applicant is aged around 21 years. He is agriculturist by profession. There is no likelihood of absconding leaving his family, home and profession. No criminal antecedent is reported against the applicant. The trial would take time to complete. Therefore, applicant may be extended the benefit of bail.

Per contra, learned counsel for the State opposes the bail application on the ground of gravity of alleged offence and prays for its rejection.

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

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed. Accordingly, it is directed that **applicant Arjun Barela** shall be released on bail in relation to Crime No.228 of 2024 registered at Police Station Myana, District Guna for offence punishable under Sections 306, 323, 294, 34 of IPC, upon furnishing a personal bond in the sum of **Rs.50,000/-**

(Rupees Fifty Thousand Only) with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions,:

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(2) Applicant shall not commit or get involved in any offence of similar nature;

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance;

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules

**(SANJEEV S. KALGAONKAR)
JUDGE**