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MCRC-44460-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 17<sup>th</sup> OF OCTOBER, 2024MISC. CRIMINAL CASE No. 44460 of 2024*KALU**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Balkrishna Royal, learned counsel for the applicant.

Shri Amit Raval GA for the respondent/State.

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ORDER

This *first* application has been filed by applicant under Section 483 B.N.S.S. Act,2023 for grant of bail in connection with Crime No.722/2024 registered at Police Station Manawar, District - Dhar (M.P.) for offence punishable under Section 108 of B.N.S. 2023 Applicant is in judicial custody since 19/09.2024.

As per the case of prosecution, Jiya D/o Ramesh Muvel aged around 21 years consumed some poisonous substance at her home. She was admitted in Government Hospital, Badwani. Later, she was referred to Arbindo Hospital, Indore. Jiya died on 27/07/2024 during treatment at Arbindo Hospital. Family members of deceased Jiya alleged that Kalu (applicant) S/o Laxman Bhuriya harassed Jiya to marry him. He was instrumental in breaking engagement of Jiya. Feeling aggrieved by constant harassment of Kalu, Jiya consumed some poisonous substance. On such allegations, police



station - Manawar, District- Dhar registered FIR at Crime No.722/2024 for the offence punishable under Section 108 of B.N.S., 2023. The dead body of Jiya was forwarded for postmortem examination. The Medical Officer opined that Jiya died due to cardio-respiratory failure as a result of poisoning. Statements of witnesses were recorded. Applicant Kalu was arrested on 19/09/2024. He is in custody ever since. Investigation is underway.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant has been falsely implicated in the matter by the family members of deceased. It is a case of romantic relation between two young persons. The deceased used to call the applicant on mobile phone. The family members of the deceased did not approve their friendship, therefore, Jiya had consumed poisonous substance at her home. No offence as alleged is made out against the applicant. Learned counsel further submits that applicant is aged around 27 years. There is no likelihood of absconsion, leaving his home and family. There is no likelihood of tampering with evidence by the applicant. No criminal antecedent is reported against the applicant. The trial would take time to conclude. 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.

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- Kalu** shall be released on bail in connection with Crime No.722/2024 registered at Police Station Manawar, District - Dhar (M.P.) for offence punishable under Section 108 of B.N.S. 2023, 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,: **(For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-**

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

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा।

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

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा।

(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;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो।

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



- (4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने—फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा।
- (5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance;
- (5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा 309 दं. प्र.सं. के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा।

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions 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.

(SANJEEV S KALGAONKAR)  
JUDGE