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MCRC-47705-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 20<sup>th</sup> OF NOVEMBER, 2024MISC. CRIMINAL CASE No. 47705 of 2024*ANIL**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Yogesh Kumar Gupta - Advocate for the applicant.*

*Shri Amit Raval - Govt. Advocate for the respondent/State.*

*Shri Shivendra Singh Bais - Advocate for the respondent [COMP].*

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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.1184/2024 registered at Police Station Banganga District Indore(M.P.) for offence punishable under Section 108 & 3(5) of BNS, 2023. Applicant is in judicial custody since 22.09.2024.

As per the case of prosecution, Rohit S/o Ram Prasad Patel aged around 32 years committed suicide by hanging at his home. Medical Officer after post-mortem examination opined that Rohit had died due to *Asphyxia* as a result of ante-mortem hanging. During inquest proceedings, one suicide note allegedly written by the deceased was recovered on production by Arjun Patel, wherein it was stated that "don't leave Anil and Deepika, they have harassed me". Relatives of deceased alleged that Deepika, wife of deceased, had illicit relations with Anil(applicant). Rohit and other family members tried to end their relationship,



but they continued with their illicit relations. Rohit was feeling harassed due to the illicit relations between his wife - Deepika and applicant - Anil, therefore, he has committed suicide. On such allegations, P.S. Banganga, Distt. Indore(Urban) registered Crime No. 1184/2024 for offence punishable u/S 108 and 3(5) of BNS, 2023 against accused Deepika and Anil. Applicant was arrested on 22.09.2024. The statements of witnesses have been recorded u/S 180 of BNSS, 2023. 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, merely on suspicion that he is in illicit relations with the wife of the deceased. the deceased did not report against applicant during his lifetime. Learned counsel contends that even if entire allegations are taken on their face value, no offence as alleged is not made out against the applicant. Learned counsel further submits that applicant is aged around 36 years. He is in private service. He has a family to look after. There is no likelihood of absconion, leaving his home, family and profession. 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.

Learned counsel for the objector contends that a young person has lost his life due to illicit relations and conduct of the applicant, therefore applicant may not be extended the benefit of bail.



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 - Anil S/o Late Shri Ramadhar Ji Patel** shall be released on bail in connection with Crime as stated in para 1 of this order, upon furnishing personal bond and surety bond of amount, as may be considered appropriate by the trial Court/the Committal Court for compliance with conditions, as may be imposed by such Court, to secure presence of the applicant for the trial under Section 437(3) of Cr.P.C., 1973/Section 480(3) of BNSS, 2023.

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

The concerned Court shall get the 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