

31.01.2012

Shri Dharmendra Garge, Advocate for applicant.

Shri Pramod Pachauri, P.P. for Respondent/State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The applicant has filed this first application u/S 439, Cr.P.C. for grant of bail. The applicant has been arrested by Police Station Murwas, District Vidisha in connection with Crime No. 144/2011 registered in relation to the offences punishable u/Ss. 304-B, 34 of IPC.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

Considering the fact that the applicant is aged 40 years and is in jail since 13.12.2011 and charge-sheet has been filed coupled with the fact that prolonged incarceration in cases of this nature arising out of matrimonial dispute may increase the acrimony between the rival parties, this court, without expressing any opinion on the merits of the case, is inclined to extend the benefit of bail to the applicant.

Accordingly, this application is allowed and it is directed that the applicant be released on bail on his furnishing a personal bond in the sum of **Rs. 1,00,000/- (Rs. One Lac only)** with two solvent sureties of **Rs.50,000/-** to the satisfaction of the concerned Trial Court.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by her;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which her is accused; and
5. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the Court concerned for compliance.

C.c. as per rules.

(Sheel Nagu)
Judge

AK/-