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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE SANJAY DWIVEDI**

ON THE 22nd OF AUGUST, 2022

MISC. CRIMINAL CASE No. 39409 of 2022

Between:-

**SHUBHAM NAHARE S/O SHRI RAVI NAHARE,
AGED ABOUT 32 YEARS, R/O LALMATI
CHANDMARI PAHADI POLICE STATION
GHAMAPUR DISTRICT JABALPUR M.P.,
OCCUPATION: PRIVATE JOB**

.....APPLICANT

(BY SMT ANCHAN PANDEY, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION GHAMAPUR DISTRICT
JABALPUR M.P.**

.....RESPONDENTS

(BY SHRI AJEET KUMAR RAWAT, GOVERNMENT ADVOCATE)

.....
*This application coming on for hearing this day, the court passed the
following:*

ORDER

This is first application on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail.

Applicant is in custody since 28.06.2022 in connection with Crime No. 399/2022 registered at Police Station Ghamapur, Jabalpur for the offence punishable under Sections 498A and 306/34 of the Indian Penal Code.

Learned counsel for the applicant submits that the deceased was the wife of the present applicant. They entered into love marriage on 02.04.2016 and out of their wedlock, the deceased delivered a child, although as per the case of the

prosecution after some time of marriage the relation between husband and wife became worse and husband started neglecting the wife and was not giving adequate money to fulfill the family needs. She submits that as per the case of the prosecution, the applicant used to physically harass the deceased and was in the habit of consuming liquor. She submits that all these materials are not sufficient to constitute an offence under Section 306 of the IPC. The wife committed suicide by hanging, but she has not written any suicide note and nobody knows the cause of suicide, but merely because the relation between the husband and wife was not cordial, under presumption offence under Section 306 of IPC has been registered against the applicant. She submits that the requirement for constituting the offence under Section 306 of IPC is not available in the case and, therefore, in absence of ingredients as required under Section 107 of IPC, offence under Section 306 of IPC is not made out against the applicant. He prays that under such circumstances, applicant may be released on bail.

Learned counsel for the respondent-State has opposed the bail application, read over the case diary especially the statements of family members of the deceased recorded during the course of investigation.

I have heard the arguments advanced by the learned counsel for the parties. *Prima-facie* I am convince with the submission made by the learned counsel for the applicant, therefore, considering the custody period of the applicant and further the fact that he has a child aged about 4 years and there is nobody to look-after child, I am inclined to consider and allow this application. Accordingly, it is **allowed**.

It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac)** with one

solvent surety of the like amount to the satisfaction of the trial Court concerned for his appearance on the dates given by it.

It is further directed that the applicant shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

Certified copy as per rules.

(SANJAY DWIVEDI)
JUDGE

RAGHVENDRA

