
(2023) 03 MP CK 0084

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 11581 Of 2023

Ashok @ Assu

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 20-03-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 304B, 498A
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2023) 03 MP CK 0084

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : Shailendra Verma, Alok Agnihotri

Final Decision : Allowed

Judgement

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Sanjay Dwivedi, J

This third post-arrest application under Section 439 of the Code of Criminal Procedure has been filed on behalf of the applicant for grant of bail, who is behind the bars since 30.09.2022 in connection with Crime No.620/2022 registered at Police Station Gotegaon, District Narsinghpur (M.P.) for the offence punishable under Sections 498-A, 304-B/34 of IPC and Section 3/4 of Dowry Prohibition Act.

The applicant's first bail application faced dismissal as got withdrawn with liberty to renew after two months and another application got dismissed being premature.

Learned counsel for the applicant submits that the applicant is father-in-law of deceased and has been fallaciously implicated inasmuch as there was no demand of dowry. He submits that the applicant's and complainant's family belong to Labour Class and the marriage was performed during the outbreak of COVID

session and there was no demand of dowry. He further submits that although allegation of demand of dowry of Rs.1.50 lakh more in dowry was made, but there was no dowry taken nor was any demand made. He further submits that an affidavit has also been filed by the complainant party saying that if bail is granted to the applicant, they will have no objection. He implores that that looking to the period of custody on the face of allegation, the applicant may be granted bail.

In contrast, learned counsel for the State opposes the application and submits that there are allegations against the applicant of demand of dowry and as such he does not deserve to be released on bail.

Considering the overall facts and circumstances including the period of incarceration and liberty granted earlier, I am inclined to enlarge the applicant on bail. However, without commenting any view on merits. this application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) 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.

I t 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.