
(2021) 07 MP CK 0113

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.34415 Of 2021

Azam Bahadur Shah

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 14-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Indian Penal Code, 1860 — Section 354(A), 354(D), 498A
Dowry Prohibition Act, 1961 — Section 3, 4
Muslim Women (Protection Of Rights On Marriage) Act, 2019 — Section 4

Citation : (2021) 07 MP CK 0113

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : Manish Datt, Siddharth Kumar Sharma, S.K. Malvi

Final Decision : Allowed

Judgement

Sanjay Dwivedi, J

This is the first application filed by the applicant under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

The applicant is apprehending his arrest in Crime No.155/2021 registered at Police Station Shahjahanabad, District Bhopal, for the offence punishable

under Sections 354(A), 354(D), 498-A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, 1961 and Section 4 of the Muslim

Women (Protection of Rights on Marriage) Act, 2019.

Learned Senior Advocate submits that this Court vide order dated 06.07.2021 passed in M.Cr.C. No.26345/2021, has granted the benefit of

anticipatory bail to the other co-accused person mainly on the ground that the FIR got registered by the wife of the present applicant only after filing

of the suit for restitution of conjugal rights. He further submits that the registration of the FIR is nothing but an afterthought just to create pressure upon the applicant for withdrawal of the suit filed by him. On these submissions, he prays that the benefit of anticipatory bail may be granted to the applicant.

On the other hand, learned Panel Lawyer has opposed the prayer of anticipatory bail.

Considering the aforesaid, without commenting anything on the merits of the case, I am inclined to consider and allow this bail application.

Accordingly, the same is allowed.

It is directed that in the event of arrest, the applicant be released on bail upon his furnishing a bail bond in the sum of Rs.50,000/- (Rupees Fifty

Thousand) with one solvent surety of the like amount to the satisfaction of the Station House Officer/Arresting Officer of the Police Station concerned.

The applicant shall abide by the conditions enumerated under Section 438 (2) of the Code of Criminal Procedure.

Certified Copy as per rules.