

(2020) 03 MP CK 0013

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 9287 Of 2020

Bhogiram Kushwah And Anr.

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 02-03-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 294, 354, 498A, 506
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2020) 03 MP CK 0013

Hon'ble Judges : Sheel Nagu, J

Bench : Single Bench

Advocate : Ranjeet Khanwilkar, R.K. Mishra

Final Decision : Allowed

Judgement

Learned counsel for the rival parties are heard.

This is first application u/S.438 Cr.P.C. for grant of anticipatory bail by the petitioners.

Petitioners apprehend arrest in connection with offences punishable u/Ss. 498A, 294, 354, 506, 34 IPC and u/Sec.3/4 of Dowry Prohibition Act

registered as Crime No.44/2020 by Police Station Mahila Thana Padav, District Gwalior (M.P.).

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 anticipatory bail is made out.

The petitioner No.1 being father-in-law (Sasur) and petitioner No.2 mother-in-law (Saas) of the deceased are alleged with dowry demand related

cruelty. Marriage took place in 2015 and arrest in matters of this nature may

diminish the possibility of settlement in future.

In view of above and considering the fact that petitioner No.2 being a woman aged about 45 years may not be able to bear the rigors of incarceration

and the material placed on record does not disclose the possibility of petitioners fleeing from justice, this Court is inclined to extend the benefit of bail

to the petitioners but with certain stringent conditions looking to the nature of offence.

Accordingly, without expressing any opinion on merits of the case, I deem fit appropriate to allow this application u/S. 438 of Cr.P.C. in the following

terms.

It is hereby directed that in the event of arrest, the petitioners shall be released on bail on each of them furnishing a personal bond in the sum of Rs.

50,000/- (Rs. Fifty Thousand only) with two solvent sureties each of Rs.25,000/- to the satisfaction of the Arresting Authority.

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

1. The petitioners will comply with all the terms and conditions of the bond executed by them;

2. The petitioners will cooperate in the investigation/trial, as the case may be;

3. The petitioners will not indulge themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The petitioners shall not commit an offence similar to the offence of which they are accused;

5. The petitioners will not seek unnecessary adjournments during the trial;

6. The petitioners will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

7. Only petitioner No.1 (Bhogiram Kushwah) shall mark his presence before the police station concerned firstly on 05.03.2020 and thereafter once

every week till conclusion of investigation.

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

Certified copy as per rules.