

**(2020) 10 MP CK 0099**

**In the Madhya Pradesh High Court**

**Case No : Miscellaneous Criminal Case No. 37681 Of 2020**

Chandu @ Charan Singh Solanki And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

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**Date of Decision : 12-10-2020**

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 438, 438(2)

Indian Penal Code, 1860 — Section 307, 498A

Dowry Prohibition Act, 1961 — Section 3, 4

**Citation : (2020) 10 MP CK 0099**

**Hon'ble Judges : J. P. Gupta, J**

**Bench : Single Bench**

**Advocate : Mahendra Singh Thaku, Pradeep Gupta**

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## **Judgement**

J. P. Gupta, J

This is first bail application filed by the applicants/accused under Section 438 of Cr.P.C for grant of anticipatory bail, who are apprehending their arrest in connection with Crime No.117/2020 registered at Police Station Bahoriband, District Katni for the offence punishable under Sections 307 and 498-A of IPC and Section 3-4 of the Dowry Prohibition Act.

Allegation against the applicants are that the applicants are brother-in-law and sister-in-law of the complainant. It is alleged that the applicants alongwith the husband and mother-in-law of the complainant set the victim ablaze with a view to kill her in connection with demand of dowry.

Learned counsel for the applicants has submitted that the applicants are innocent. They reside separately and on the date of the incident statement of the victim has been recorded but she did not allege anything against the applicants and after 10 days her statement was recorded by the Executive Magistrate as dying declaration in which she has stated that she was set ablaze by her husband and nothing has been mentioned against the applicants and thereafter on

24.5.2020 she has arrayed the applicants alongwith her husband. The aforesaid conduct of the victim makes the case false against the applicants. There is no need to arrest the applicants for the purpose of investigation. There is no likelihood of their absconding or tempering with the witnesses. Trial will take time. Hence, they be enlarged on bail.

Learned P.L. has opposed the application and prayed for rejection of the same.

Having considered the contentions of learned counsel for the parties, perusing the record and the facts and circumstances of the case, without commenting anything on the merits, this court is of the view that the applicants are entitled to get benefit of the bail. Hence, this application is allowed.

It is directed that in the event of arrest or surrender of applicants Chandu @ Charan Singh Solanki and Bindu Solanki before the Arresting Authority/ Investigating Officer in relation to aforementioned Crime number, within a period of 15 days from today, they shall be enlarged on anticipatory bail on their furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one solvent surety each in the like amount to the satisfaction of the Arresting Authority/Investigating Officer. If they failed to do so, the effect of this order shall be vacated automatically.

The applicants/accused are directed to join the investigation immediately and fully co-operate with the investigation. They shall further abide by the other conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.