

(2021) 02 MP CK 0106

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.8888 Of 2021

Chet Singh Lodhi And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 16-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Indian Penal Code, 1860 — Section 304B, 498A
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2021) 02 MP CK 0106

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

Bench : Single Bench

Advocate : Sankalp Kochar, Sunil Gupta

Final Decision : Allowed

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. 47/2021 registered at Police Station Jabera, District Damoh for the offence punishable under Sections 498-A,

304-B of IPC and Section 3/4 of Dowry Prohibition Act.

Learned counsel for the applicants seek permission to withdraw this application to the extent it is related to applicant no. 1 Chet Singh Lodhi.

Therefore, the M.Cr.C. is dismissed as withdrawn so far as it relates to applicant no. 1 Chet Singh Lodhi.

It is alleged that deceased committed suicide by consuming poisonous substance within two years of the marriage. Applicant no. 2 is mother-in-law

and applicant no. 3 is sister-in-law (Jethani) of the deceased. It is also alleged

that they along with other co-accused persons subjected her to cruelty with regard to demand of dowry.

It is submitted that applicants are innocent. There is no specific allegation against them with regard to demand of dowry and harassment. There is general and omnibus allegation against them. Applicants custodial interrogation is also not required. There is no likelihood of their absconding or tampering with the witnesses. No purpose will be served by arresting them except harassing them. Hence, they be enlarged on anticipatory bail.

Learned P.L, appearing for the State opposed the application and prayed for rejection of the same.

Having considered the contentions of learned counsel for the parties, perusing the record and looking to the lack of specific allegation in the

prosecution story against the applicants, without commenting anything on the merits of the case, in view of this court, it is a fit case to grant

anticipatory bail. Hence, this application is allowed. It is directed that in the event of arrest or surrender of Applicant no. 2 Noni Bai and applicant no.

3 Maya Bai Lodhi 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. 40,000/- 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.

Applicant no. 2 Noni Bai and applicant no. 3 Maya Bai Lodhi 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.