

(2021) 01 MP CK 0012

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.933 Of 2021

Harisharan Kushwaha And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 08-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 304B, 498A
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2021) 01 MP CK 0012

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : A.S. Parihar, Shikha Baghel

Final Decision : Allowed

Judgement

Anjuli Palo, J

This is first application under Section 439 of Cr.P.C. for grant of bail filed on behalf of applicants - Harisharan Kushwaha and Phoolbai Kushwaha

who have been arrested in connection with Crime No.402/2020 registered at Police Station- Singhpur district- Satna for commission of offences under

Sections 498-A, 304-B/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. The applicants are in custody since

11.12.2020.

Learned counsel for the applicants submits that the applicants have been falsely implicated in the case. The applicants are father-in-law and mother-

in-law. As per the counsel for the applicants, the marriage of the son of the applicants and the deceased was solemnised about six years prior to the

incident. It is also contended that as per the statement recorded by the SDM and

police also, the deceased and the son of the applicants were residing separately from the applicants. It is submitted that the deceased died due to electrocution. Police has recovered some unplugged wire from the spot and cooler and ceiling fans which were being operated by unplugged wires. Learned Panel Lawyer for the State has strongly opposed the bail application. Considering the facts and circumstances of the case as well as the fact that applicants were residing separately and that due to COVID 19 pandemic situation, the trial would take considerable time, without commenting on the merits of the case, this application is allowed. It is directed that Applicant No.1- Harisharan Kushwaha and Applicant No.2- Phoolbai Kushwaha be released on bail on their furnishing a personal bond each in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety, in the like amount to the satisfaction of the concerned trial Court for their appearance on the dates so fixed by that Court during trial. The applicants shall comply with the provisions of Section 437 (3) of the Cr.P.C. Accordingly, the application is allowed and disposed of.