
(2020) 08 MP CK 0094

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 20001 Of 2020

Harnarayan Mishra And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 21-08-2020

Acts Referred:

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

Citation : (2020) 08 MP CK 0094

Hon'ble Judges : Vishnu Pratap Singh Chauhan, J

Bench : Single Bench

Advocate : Sankalp Kochar, Rakesh Singh

Final Decision : Dismissed

Judgement

Heard on this first application filed under Section 438, Cr.P.C. on behalf of the applicants for grant of anticipatory bail.

The applicants are apprehending of their arrest in connection with Crime No.223/2020, registered at Police Station Naugaon, Distt. Chhatarpur for the offences punishable under Sections 304-B, 498-A of IPC and also under Section 3 read with Section 4 of Dowry Prohibition Act.

The case of prosecution against the applicants, in short, is that deceased got married with the son of the applicants in February, 2019 and she harassed

on account of non-fulfilment of demand of dowry, she was treated cruelly, consequently, she ended her life by hanging herself.

Learned counsel for the applicants submits that both the applicants are residing separately from the deceased. Their son is living separately along with

his wife and the applicants are not having any connection with the crime nor they demanded any dowry. Learned counsel has drawn attention of this

Court towards ration card and other documents to show that both the applicants are living separately and by also drawing attention of this Court

towards the judgments passed by Hon'ble Apex Court as well as this Court, argued that in the circumstances when the applicants are living in

separate house, they are entitled for anticipatory bail, therefore, prays to grant the applicant anticipatory bail.

On the other hand, learned counsel for the objector while opposing this plea, submits that all persons are living jointly. The applicants are living in the

same vicinity. The applicants have created forged evidence for saving themselves from the offence. He has submitted some documents in this

application. Thus, prays for dismissal of the application.

Learned Panel Lawyer submits that it is verified that both the applicants are living separately in the same vicinity where deceased was residing along

with her husband and distance of both the houses is within 300 meters. There are sufficient evidence available on record to show that both the

applicants demanded dowry and on account of non-fulfilment of demand of dowry, they harassed the deceased, therefore, prays for dismissal of this

application.

Having heard learned counsel for the parties, perused the case diary.

Perused the case-laws. No doubt, Hon'ble Apex Court and this Court observed that if the applicants are residing in a separate accommodation, they

are entitled for anticipatory bail. During arguments, it is inquired from the counsel that when the applicant started living in a separate residence and

applied for separate ration card, this fact came out that both the applicants started living in March, 2020, but, after perusal of the same documents filed

by the objector, it is reflected that both the applicants are living with the deceased and her husband before March, 2020, therefore, this Court is of the

view that in these circumstances, the views taken by Hon'ble Apex Court and this Court are on different facts. After considering other evidence

recorded during investigation, this fact came out that both the applicants took part in harassing the deceased on account of non-fulfilment of demand of

dowry. This Court, prima facie, finds a case against the applicants, hence the applicants are not entitled for anticipatory bail.

Accordingly, the application is dismissed.