
(2019) 10 MP CK 0100

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 42368, 42371, 43176 Of 2019

Jogendra And Anr

APPELLANT

Vs

State Of Madhya Pradesh And Anr

RESPONDENT

Date of Decision : 18-10-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 161, 438
Indian Penal Code, 1860 — Section 34, 304B, 498A
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2019) 10 MP CK 0100

Hon'ble Judges : Sheel Nagu, J

Bench : Single Bench

Advocate : R.K. Sharma, Kunal Sharma, Vikrant Sharma

Final Decision : Disposed Of

Judgement

Learned counsel for the rival parties are heard.

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

Petitioner apprehends arrest in connection with offences punishable u/Ss. 498A, 304B/34 of IPC and u/S.3/4 of Dowry Prohibition Act registered as Crime No.117/2019 at Police Station Gorami, District Bhind (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.

Petitioner who is brother-in-law (Jeth) of the deceased is alleged with dowry demand related cruelty which had led to the deceased committing suicide by hanging herself. Marriage took place on 22/06/2018 as against the incident being 21/02/2019.

Reading of the statement of father of the deceased recorded u/S.161 Cr.P.C.

reveals some physical/mental cruelty for demand of dowry was inflicted but specific allegation of the same having been inflicted soon before death appears to be missing.

In view of above and considering the fact that the applicant has no criminal antecedents and that the material placed on record does not disclose the possibility of petitioner fleeing from justice, this Court is though inclined to extend the benefit of bail to the petitioner but with certain stringent conditions in view of pending investigation.

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

It is hereby directed that in the event of arrest, the petitioner shall be released on bail on furnishing a personal bond of Rs.50,000/-(Rupees Fifty Thousand only) with two solvent sureties, each of Rs.25,000/- to the satisfaction of Arresting Authority.

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

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner will not indulge herself 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 petitioner shall not commit and offence similar to the offence of which he is accused;
5. The petitioner will not seek unnecessary adjournments during the trial; and
6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. The petitioner shall mark his appearance before the concerned Police Station once in week till conclusion of investigation.
8. The petitioner shall plant 25 saplings of indigenous fruit bearing or shady trees on the side of the road/street of the place of residence of petitioner or at any other place in the district which is earmarked by the Collector/Revenue Authority for planting trees and shall take care of the trees for the next one year by watering the plants and by installing tree guards at her own expenses. In case the petitioner is unable to afford incurring of such expenses, then he would obtain saplings/tree guard from the forest authorities (the concerned Forest Range Officer of the area) free of cost or at concessional/nominal rates available under any beneficial scheme of the Government. The petitioner shall file an

affidavit disclosing compliance of this condition within 30 days in the Registry, failing which this court may consider cancellation of bail.

9. On complying with condition No.8 aforesaid, the petitioner is directed to inform the location of plantation made to the Forest Range Officer of the area concerned who will pass on this information to the DFO concerned.

For effective implementation of this order in the interest of betterment of ecology of the area concerned, the District Magistrate of district within which the petitioner resides is directed to assist the petitioner/accused to comply with condition No.8 by extending all possible financial and material assistance to the petitioner admissible under any of the beneficial scheme for afforestation of the State.

The DFO of the concerned District is directed to file verification report before the trial court concerned after carrying out inspection personally or through any other officer of the Forest Department duly authorized in that behalf, disclosing as to whether applicant has complied with condition No.8 or not, and if yes to what extent

The learned trial Judge on receiving report of non compliance of condition No.8 shall forthwith communicate the same to Registry of this Court.

The Registry on receiving any such report from the trial Court disclosing default shall put up the matter before appropriate bench in shape of PUD.

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

Let a typed copy of this order be also supplied to the counsel for the State for compliance of the aforesaid directives.

A copy of this order be furnished by the Registry of this court to the concerned District Magistrate and the DFO having territorial jurisdiction over the place of residence of the petitioner for execution of the order in the interest of the ecology.

For the time being this case stands disposed of.

C.c. as per rules.