

(2021) 06 MP CK 0018

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.26593 Of 2021

Kavita Lodhi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 04-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34,306
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 06 MP CK 0018

Hon'ble Judges : Rajeev Kumar Shrivastava, J

Bench : Single Bench

Advocate : Deepak Shrivastava, Alok Sharma

Final Decision : Allowed

Judgement

Rajeev Kumar Shrivastava, J

I.A. No.15998/2021, an application for urgent hearing is taken up, considered and allowed for the reasons mentioned therein.

This is the first bail application u/S.439 Cr.P.C filed by the applicant for grant of bail.

Applicant has been arrested on 14/05/2021 by Police Station Pathariya, District Vidisha (MP) in connection with Crime No. 47/2021 registered for the

offence punishable under sections 306/34 of I.P.C.

It is submitted by learned counsel for the applicant- Kavita Lodhi that the applicant has not committed any offence, she has been falsely implicated in

the offence. She is in custody since 14/05/2021. The present applicant is sister-in-law(Jethani) of the deceased. She is residing separately. It is further

submitted that no case is made out under section 306 of I.P.C. as there is no evidence of instigation of committing suicide. Investigation and trial will

take its own time. Hence, prayed for grant of bail. He further undertakes to abide by all the terms and conditions of guidance, circulars and directions

issued by Central Government, State Government as well as Local Administration regarding measures in respect of COVID-19 Pandemic and

maintain hygiene in the vicinity while keeping physical distancing.

Learned counsel for the State has vehemently opposed the application and has submitted that the case is registered under section 306/34 of I.P.C. and

the present applicant was having illicit relation with the husband of the deceased that was the cause which instigated, the deceased committed suicide.

There is sufficient evidence against the present applicant. Hence, prayed to reject the bail application.

Heard learned counsel for the parties at length through VC and considered the arguments advanced by them and perused the case diary.

Considering the the facts and circumstances of this case, the present applicant is a lady and she is in custody since 14/05/2021, without commenting

upon the merits of the case, the application is allowed and it is hereby directed that the applicant shall be released on bail on her furnishing personal

bond of Rs.1,00,000/- (Rupees One Lakh only) with one solvent surety to the satisfaction of the Court concerned for her regular appearance before

the trial Court concerned on the dates fixed by it.

In view of COVID-19 pandemic, the jail authorities are directed that before releasing the applicant, her Corona Virus test shall be conducted and if it

is found negative, then the concerned local administration shall make necessary arrangements for sending the applicant to her house, and if her test is

found positive then the applicant shall be immediately sent to concerning hospital for his treatment as per medical norms. If the applicant is fit for

release and if he is in a position to make her personal arrangements, then he shall be released only after taking due travel permission from local

administration. After release, the applicant is further directed to strictly follow all the instructions which may be issued by the Central Govt./State

Govt. or Local Administration for combating the Covid-

19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Govt./State Govt. or Local

Administration, then this order shall automatically lose its effect, and the Local Administration/Police Authorities shall immediately take her in custody

and would send him to the same jail from where she was released.

This order will remain operative subject to compliance of the following conditions by the applicant/s :-

1. The applicant/s will comply with all the terms and conditions of the bond executed by him/her;
2. The applicant/s will cooperate in the investigation/trial, as the case may be;
3. The applicant/s will not indulge himself/herself/themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant/s shall not commit an offence similar to the offence of which he/she is accused. In case of repetition of any offence, this bail order shall stand cancelled automatically;
5. The applicant/s will not move in the vicinity of complainant party and applicant/s will not seek unnecessary adjournments during the trial;
6. The applicant/s will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and
7. The applicant/s will inform the SHO of concerned Police Station about his/her/their residential address in the said area and it would be the duty of the State Counsel to send E-copy of this order to SHO of concerned Police Station for information.

Application stands allowed and disposed of.

E- copy of this order be sent to the trial Court concerned for compliance, if possible for the office of this Court.

Certified copy/ e-copy as per rules/directions.