

(2020) 10 MP CK 0248

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 31303 Of 2020

Lalu @ Satendra

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 23-10-2020

Acts Referred:

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

Citation : (2020) 10 MP CK 0248

Hon'ble Judges : Vishnu Pratap Singh Chauhan, J

Bench : Single Bench

Advocate : Satyam Agrawal, Sanjeev Singh Parihar

Final Decision : Dismissed

Judgement

Vishnu Pratap Singh Chauhan, J

Heard on this first application for grant of anticipatory bail under Section 438 of the Code of Criminal Procedure filed on behalf of applicant Lalu @ Satendra.

The applicant is apprehending his arrest in connection with Crime No.296/2020 registered at Police Station Madhavnagar, District-Katni for commission of offences punishable under Sections 304-B, 498-A read with section 34 of the IPC and Section 3 & 4 of Dowry Prohibition Act.

The case of the prosecution against the applicant, in short, is that the marriage of deceased Jyoti was solemnized in the month of June, 2014 with one Somendra Yadav and on 21.05.2020, she committed suicide. The matter was reported to the police. The parents of the deceased stated that she was harassed by the applicant and other relatives of husband of the deceased. She was subjected to cruelty due to non-fulfillment of demand of dowry. In view of same, the aforesaid offences were registered by the parents of the deceased.

Learned counsel for the applicant submits that the applicant is a close relative

(Jeth) of the deceased but the applicant is not the real brother of Somendra Yadav. Father of Somendra Yadav is Nand Kishore Yadav and father of applicant is Late Jagdish Yadav. The mother-father of the deceased has falsely implicated the applicant. It is further submitted that the applicant is not a relative of the husband of the deceased. He neither demanded dowry nor harassed the deceased. The deceased lost four months fetus in her womb and doctor opined that she would not conceive in future. Due to that depression, she committed suicide and parents of the deceased falsely implicate the applicant in this case, therefore, it has been prayed that applicant be released on anticipatory bail.

Learned Panel Lawyer for the respondent/State, on the other hand has opposed his arguments submits a photocopy of the documents i.e. Aadhar card, Caste certificate, mark-sheet of the Higher Secondary and Middle school Examination and Samagra Portal. Perused the documents filed along with this petition. No doubt, applicant is living in Katni. He is relative of the applicant. At this stage, it cannot be said that he was not involved in demand of dowry from the deceased or not added a part in harassment of the deceased. There is evidence of the parents which available on record. In these circumstances, this Court is not inclined to extend the benefit of anticipatory bail under Section 438 of the Code of Criminal Procedure to the applicant.

Consequently, application under Section 438 of the Cr.P.C. filed by applicant is hereby dismissed.