

(2022) 12 MP CK 0094

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.58828 Of 2022

Narvadi Bai Lodhi And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 13-12-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Indian Penal Code, 1860 — Section 34, 304B
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2022) 12 MP CK 0094

Hon'ble Judges : Deepak Kumar Agarwal, J

Bench : Single Bench

Advocate : Sameer Kumar Shrivastava, Sushant Tiwari

Final Decision : Allowed

Judgement

Deepak Kumar Agarwal, J

This is first application under section 438 of Cr.P.C. filed by the petitioners for grant of anticipatory bail.

The petitioners are apprehending their arrest in connection with Crime No.216/2022 registered at Police Station Maksoodangarh District Guna (MP) for the offence punishable under Sections 304-B, 34 of IPC and 3/4 of Dowry Prohibition Act.

In brief case of the prosecution is that on 15.09.2022, complainant Laakhan Singh gave an information to ASI Jitendra Singh Police Station Maksoodangarh District Guna that on 14.09.2022 at 7:30 pm when he was at his house, his brother Maakhan Singh informed him that his wife and one and a half years old daughter are not at home, without informing anyone, they left the home. They searched them in the village and also house of their relatives but they could not be traced. They also informed her parental home. On receiving the information, her brother Manoj and Yogesh came there. Thereafter, brother of complainant

Maakhan Lodhi consumed some poisonous substance due to which his condition became serious and he was taken for treatment. On 15.09.2022, during search dead body of deceased Priya and her daughter was found near the bank of Parvati River. Thereafter, police was informed. On the information, Dehati Merg No.0/2022 was recorded. On the basis of Dehati Merg, Merg No.21/2022 was registered. Dead body panchnama of both the dead bodies was prepared. Dead bodies were sent for postmortem. As per postmortem report, both the deceased died due to asphyxia which led to shock and cardio respiratory arrest. During merg inquiry, statements of father and brother of deceased were recorded in which they stated that marriage between deceased and Maakhan Lodhi was solemnized on 28.01.2019. After marriage upto six months, her in-laws looked after the deceased well and thereafter started demanding a plot. On their demand, father of deceased gifted a plot to his daughter. Thereafter upto 2-3 months, in-laws of deceased looked after the deceased well and afterwards they started harassing her on account of demand of a plot again. On the basis of merg inquiry, FIR bearing crime No.216/2022 of the offence punishable under Sections 304-B, 34 of IPC and 3/4 of Dowry Prohibition Act was registered against husband, mother-in-law, bother-in-law (Jeth) and sister-in-law (Jethani) of the deceased.

Learned counsel for the petitioners submits that petitioners are innocent. Any complaint whatsoever regarding cruelty, harassment and dowry demand had never been made before the death of deceased. False FIR has been registered making false and omnibus allegation not only against husband but even the petitioners herein. Husband of the deceased himself lodged missing report of his wife and daughter. Petitioners being lady may not be able to bear rigors of incarceration. Hence, it is prayed that petitioners may be enlarged on anticipatory bail.

On the other hand, learned counsel for the State vehemently opposed this anticipatory bail application and prayed for its rejection.

Heard learned counsel for the parties at length and considered the arguments advanced by them and perused the record.

Looking to the aforesaid facts and circumstances of the case, without commenting upon merits of the case, this Court is of the opinion that the application should be allowed and by allowing the application it is ordered that in the event of arrest, the petitioners shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one solvent surety of the like amount to the satisfaction of Investigating Officer/Arresting Authority.

Petitioners shall further abide by the other conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.

With the aforesaid directions, the present application stands allowed and disposed of.

Certified copy/e-copy as per rules.