

(2015) 06 MP CK 0014
In the Madhya Pradesh High Court
Case No : M.Cr.C. 8214 of 2015

Phulel Prasad Patel

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 17-06-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 304-B, 34, 498-A

Citation : (2015) 06 MP CK 0014

Hon'ble Judges : M.K. Mudgal, J

Bench : Single Bench

Advocate : P.N. Pathak, Learned Counsel, for the Appellant; Pradeep Gupta, Panel Lawyer, Advocates for the Respondent

Final Decision : Dismissed

Judgement

M.K. Mudgal, J.—This is first bail application filed by the applicants-accused under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail apprehending their arrest in connection with Crime No. 93/2015 registered at Police Station Laur, District Rewa for offence under Sections 498-A, 304-B read with Section 34 of the IPC and Section 3/4 of the Dowry Prohibition Act.

2. Learned counsel for the applicants-accused submits that the applicant-accused No. 1 Phulel Prasad Patel being the father-in-law and the applicant-accused No. 2 Smt. Kalawati Patel being mother-in-law of the deceased have been falsely roped into this case as when the deceased Sushila Patel, aged 22 years, whose marriage was solemnized with Pushpraj Patel son of the applicants, committed suicide by burning herself on 19.4.2015, the applicants-accused were residing at Majhauri, District Sidhi and they were not present at the place of incident. Counsel further placing reliance upon the photocopy of the ration cards has submitted that the deceased and her husband both were residing separately from the applicants-accused after their marriage. In the said circumstances, it

cannot be inferred that the deceased was harassed or subjected to cruelty by the applicants for demand of Rs. 1.00 lac as alleged by the witnesses. Counsel further pleads that there is no sufficient evidence in the case diary to the effect that the deceased was subjected to cruelty for demand of Rs. 1.00 lac soon before her death. On the aforesaid grounds, learned counsel has prayed for grant of anticipatory bail.

3. Learned Panel Lawyer for the State and the counsel for the objector opposing the submissions made on behalf of the applicants-accused have contended that the marriage of the deceased Sushila Patel, aged 22 years, was solemnized with Pushpraj Patel on 15.5.2012. She committed suicide by burning herself in her in-laws house. In the statements of Smt. Shyamvati, the mother, Vijay Patel, the brother, Ramnath Patel, the uncle, Smt. Savitri Patel, the aunt of the deceased and Ramyagya Patel, it has come on record that the deceased was being harassed and misbehaved with by her father-in-law, mother-in-law, husband and brother-in-law for demand of Rs. 1.00 lac and was beaten by them frequently. Counsel further submits that no explanation has been given on behalf of the applicants-accused as to why a young girl Sushila committed suicide with a short period of her marriage. On the aforesaid ground, learned Panel Lawyer and the counsel for the objector have prayed for rejection of the bail application.

4. On perusal of the record, it is evident that the deceased Sushila whose marriage was solemnized with Pushpraj Patel who is son of the applicants-accused, committed suicide by burning herself on 19.4.2015. On perusal of the aforesaid statements, it is evident that the allegations against the applicants-accused for demand of Rs. 1.00 lac and misbehaviour with the deceased have specifically come on record. So far as ration cards are concerned, it is common practice to get the ration cards issued in the name of nuclear family to secure the maximum quantity of ration and other facilities under the government scheme but this fact does not necessary imply that the joint family has been partitioned and its members are living separately. Therefore, the ration cards produced by the applicants do not support the submissions made by them.

5. So far as the question of subjecting the deceased to cruelty soon before her death is concerned, it would be pertinent to cite the judgment rendered by the Hon"ble Apex Court in the case of Rajinder Singh Vs. State of Punjab(2015) 3 AD 553 : AIR 2015 SC 1359 : (2015) CriLJ 1934 : (2015) 2 Crimes 90 : (2015) 2 JCC 1293 : (2015) 2 RCR(Criminal) 129 : (2015) 3 SCALE 174 : (2015) 2 SCJ 686 . The submissions made on behalf of the applicants-accused as stated earlier have no relevance at this stage for grant of anticipatory bail. The said defence story put-forth by the applicants-accused has to be proved by them by cogent evidence in the course of trial.

6. Keeping in view the entire evidence in the case diary, this court does not deem it fit to grant anticipatory bail to the applicants-accused. Therefore, the application is hereby dismissed.