

(2020) 03 MP CK 0050

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 8591 Of 2020

Ramnaresh Chaturvedi And Smt. Abha Devi

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 06-03-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 41, 301(2), 438

Indian Penal Code, 1860 — Section 34, 294, 323, 325, 498(A), 506

Citation : (2020) 03 MP CK 0050

Hon'ble Judges : S.A. Dharmadhikari, J

Bench : Single Bench

Advocate : Pradeep Katare, Sanjeev Mishra, V.D. Sharma

Final Decision : Dismissed

Judgement

I.A No. 2230/2020, an application under section 301 (2) of Cr.P.C. for assisting learned Public Prosecutor for the State is taken up, considered and allowed for the reasons mentioned therein.

Learned counsel for the complainant is permitted to assist learned Public Prosecutor for the State during final hearing.

Case Diary is perused.

Learned counsel for the rival parties are heard.

This is first application under section 438 of the Code of Criminal Procedure.

Applicants apprehend arrest in connection with Crime No.446/2019 registered at Police Station Gola Ka Mandir, District Gwalior for the offence

punishable under section 498-A, 323, 294, 506, 34 added section 325 of IPC.

Allegations against the applicants, in short, are that applicants along with co-accused were involved in subjecting the victim to harassment and cruelty

as well as beating and using abusive language against her, due to non-satisfaction of demand of Swift Desire Car and dowry.

Learned counsel for the applicants submits that applicant No. 1 aged 65 years and applicant No. 2 aged 61 years are father-in-law (Chachiya Sasur)

and mother-in-law (Chachiya Sash) respectively of the complainant and they are reputed citizen of the locality, who have no criminal antecedents and

they have been falsely implicated in the present case. The applicants are living separately from the complainant and her husband and there was no

direct or indirect involvement of the applicants in day to day affairs of the complainant. The applicants are co-operating in the investigation which is

evident from the notice issued under section 41 of Cr.P.C. The charge-sheet has been filed in absence of the applicants without issuance of any notice

to them. No overact has been assigned to the applicants. Applicants are permanent resident of the Dist. Gwalior and there are no chances of their

absconding or tampering with the prosecution evidence. They shall abide by the terms and conditions as may be imposed by this Court. Under these

circumstances, applicants pray for grant of anticipatory bail.

In response, learned Public Prosecutor as well as learned counsel for the complainant have opposed the bail application on the ground that applicants

are absconding since date of registration of FIR and, therefore, prima facie, at this stage, no definite conclusion can be arrived at. It is further

submitted that apart from demand of dowry, the present applicants as well as co-accused have brutally beaten the complainant, due to which, she

sustained number of injuries, which is corroborated by the medical evidence. It is further submitted that looking to the gravity of the offence and role

played by the applicants, the anticipatory bail may not be granted to them and prays for its rejection.

However, it would not be desirable to enter into merits of the rival contentions at this juncture. It is well settled that the considerations governing grant

of anticipatory bail are altogether different from those relevant for the prayer for regular bail.

Taking into consideration the facts and circumstances of the case, but without expressing any opinion on the merits of the case, in the opinion of this

Court, no case for grant of anticipatory bail is made out. The application, therefore, stands rejected.

Certified copy as per rules.