

(2020) 10 MP CK 0075

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 25307 Of 2020

Santosh Kumar Gour

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 09-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 304B, 498A
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2020) 10 MP CK 0075

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Priyank Khandelwal, Shanti Tiwari, Sandeep Mahavar

Final Decision : Allowed

Judgement

Anjuli Palo, J

This is first application filed by the applicant under section 439 of Cr.P.C. for grant of bail.

The applicant is in custody since 17.7.2020 in connection with Crime No.87/2020 registered at P.S. Dolariya, District Hoshangabad for the offences punishable under Sections 304-B, 498-A, 34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. The applicant happened to be the father-in-law of the deceased. There is no specific allegation against the applicant regarding demand of dowry or committing cruelty on the deceased. The applicant has been made accused by the Police on the application filed by the complainant on 8.7.2020. Specific allegations have been levelled against the wife and son of the deceased. The applicant is aged 60 years. He is in custody since 17.7.2020 and trial would take considerable time to conclude due to situation created by Covid-19

pandemic. In view of the aforesaid, prayer is made to release the applicant on bail on the ground of parity.

Learned Panel Lawyer for the State as well as learned counsel for the objector have strongly opposed the prayer for bail.

Heard learned counsel for the parties.

Looking to the facts and circumstances of the case and nature of allegation levelled against the applicant, I find it a fit case to release the applicant on bail, therefore, without commenting on the merits of the case, this application is allowed.

It is directed that applicant Santosh Kumar Gour shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the concerned trial Court for his appearance before the said Court on the dates so fixed by that Court during trial.

The applicant shall comply with the provisions of Section 437(3) of the Cr.P.C.

Accordingly, the application is allowed and disposed of.