
(2021) 01 MP CK 0063

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.45232 Of 2021

Shiv Kumar Vishwakarma And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Indian Penal Code, 1860 — Section 304B, 498A

Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2021) 01 MP CK 0063

Hon'ble Judges : J. P. Gupta, J

Bench : Single Bench

Advocate : Sharad Verma, Sunil Gupta

Final Decision : Allowed

Judgement

J. P. Gupta, J

This is the first bail application under Section 439 of the Code of Criminal Procedure, 1973 filed for grant of bail to the applicants who have been

arrested on 14/10/2020 in connection with Crime No.650/2020 for offences registered under Sections 498A, 304B of IPC and section 3/4 of Dowry

Prohibition Act, police station City Kotwali, District Satna.

Allegation against the applicants is that they are father-in-law and mother-in-law of the deceased, who committed suicide by burning herself and

applicants and other accused persons consistently harassed the deceased in connection with demand of dowry and soon before her death, she was

subjected to cruelty, therefore they committed dowry death of the deceased.

Learned counsel for the applicant submitted that applicants are innocent and there is general allegation with regard to demand of dowry and

harassment. The main allegations are against husband Manish, sister-in-law Pooja and her husband Raju. In the first dying declaration recorded by the executive magistrate, there is no allegation against the present applicants. Apart from it, the applicants are into custody since 14/10/2020. Charge sheet has been filed and trial will take time. The applicants have no criminal antecedents. In the circumstance, the applicants' further custody is not warranted. Hence, learned counsel for the applicant has prayed that the applicants be released on bail.

Learned PL for the respondent/State has opposed the application and prayed for its rejection.

Having considered all facts and circumstances of the case, in view of this Court the applicants are entitled to get benefit of bail. Hence without

commenting anything on the merits of the case, this application is allowed. It is ordered that the applicant no.1 Shiv Kumar Vishwakarma and

applicant no.2 Smt. Savitri Vishwakarma be released on bail on their furnishing a personal bond for the sum of Rs.40,000/- (Rs.Fourty Thousand

only)each with a solvent surety in the like amount to the satisfaction of the trial court for securing their presence before the said Court on all the dates

of hearing fixed in this regard during trial and for complying with the conditions enumerated in sub-section (3) of Section 437 of Cr.P.C.

Certified copy as per rules.