

(2021) 07 MP CK 0028

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.32361 Of 2021

Som Bai Lodhi (Patel)

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 05-07-2021

Acts Referred:

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

Citation : (2021) 07 MP CK 0028

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : Aditya Narayan Gupta, Pradeep Dwivedi

Final Decision : Allowed

Judgement

Rajeev Kumar Dubey, J

This is the first application under Section 439 of the Cr.P.C. for grant of bail. Applicant Som Bai Lodhi (Patel) was arrested on 22/05/2021 in

connection with Crime No.218/2021 registered at Police Station Bhedaghat, Distt. Jabalpur for the offence punishable under Sections 304-B, 34 of the

IPC and Section 3, 4 of the Dowry Prohibition Act.

As per prosecution case on 12/04/2021 deceased Sapna wife of co-accused Rakesh Patel committed suicide by hanging herself. It is alleged that

applicant Smt. Som Bai mother-in-law and co-accused Rakesh Patel husband and Babli Patel & Gauribai Patel sister-in-law (nanad) of the deceased

used to harass her and demanded dowry and co-accused Sanjay also assaulted her, due to which she committed suicide within one years of her

marriage.

Learned counsel for the applicant submitted that the applicant is innocent and has falsely been implicated in the matter. The applicant is mother-in-law

of the deceased. The allegations regarding demand of dowry and harassment are general in nature. The applicant is 60 years old lady and she has

been in custody since 22/05/2021. The charge-sheet has been filed and conclusion of the trial will take time. On the aforesaid grounds, learned counsel prayed that the applicant be enlarged on bail.

Learned counsel for the respondent/State opposed the prayer. Looking to the facts and circumstances of the case and the fact that the applicant is

mother-in-law of the deceased, the allegations regarding demand of dowry and harassment are general in nature, the applicant is in custody since

22/05/2021, the charge-sheet has been filed and conclusion of trial will take time, without commenting on the merits of the case the application is

allowed and it is directed that the applicant be released on bail upon furnishing personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with

one surety in the like amount to the satisfaction of the concerned C.J.M/trial Court for her appearance before the trial Court on all such dates as may

be fixed in this behalf by the trial Court during the pendency of trial.

This order will remain operative subject to compliance of the following conditions by the applicant :

1. The applicant will comply with all the terms and conditions of the bond executed by her;
2. The applicant will cooperate in the trial;
3. The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which she is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without prior permission of the trial Court.

Certified copy as per rules.