
(2019) 11 MP CK 0138

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 45311 Of 2019

Vaijayanti Shakyawar And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-11-2019

Acts Referred:

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

Indian Penal Code, 1860 — Section 34, 294, 323, 336, 452, 506

Citation : (2019) 11 MP CK 0138

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

Bench : Single Bench

Advocate : Manas Dubey, R.K. Mishra, S.S. Dhakad

Final Decision : Allowed

Judgement

I.A. No. 9262/19, an application under section 301(2) of the Cr.P.C. is allowed.

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.417/19 registered at Police Station Padav, District Gwalior, for the offences punishable under sections 452, 323, 336, 34, 294 and 506 of the IPC.

Allegations against the applicants, in short, are that in pursuance of a dispute arisen on the issue of defecation of dogs of applicants in front of the house of complainant, applicants not only abused the complainant, but also entered into her house and beat her with kicks and fists and thereafter in the night, also pelted stones at her house.

Learned counsel for the applicants submits that applicants have been falsely implicated. Applicant no.1 is a Government teacher, while her daughters

applicant nos. 2 and 3 are students. After the incident, on 4/8/19, an FIR was lodged by applicant no.2 against the complainant party, and the same was registered at Crime No.415/2019. As such, the present FIR is nothing but a counter-blast of the same. No serious injury is reflected in the MLC report of complainant. Applicants are permanent residents of Gwalior and there is no likelihood of their absconson or tampering with the prosecution evidence. With the aforesaid submissions, prayer for grant of bail is made.

In response, learned Public Prosecutor has opposed the bail application and prays for its rejection.

Taking into consideration the facts and circumstances of the case, but without expressing any opinion on merits of the case, I deem it appropriate to extend the benefit of anticipatory bail to the applicant.

It is hereby directed that in the event of arrest of each one of the applicants namely Smt. Vijayanti Shakyawar, Ku. Shivani Shankhwar and Ku. Honey Shankhwar, she shall be released on bail on his furnishing a personal bond of Rs.50,000/- (Rupees Fifty

Thousand only) with one solvent surety of the like amount to the satisfaction of Arresting Authority.

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

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

C.C. as per rules.