

**(2023) 03 MP CK 0059**

**In the Madhya Pradesh High Court**

**Case No : Miscellaneous Criminal Case No. 33356 Of 2022**

Vijay Patel @ Brijendra Patel

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

**Date of Decision : 15-03-2023**

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 438  
Indian Penal Code, 1860 — Section 34, 377, 498A  
Dowry Prohibition Act, 1961 — Section 3, 4

**Citation : (2023) 03 MP CK 0059**

**Hon'ble Judges : Nandita Dubey, J**

**Bench : Single Bench**

**Advocate : Jagdish Singrol, Soumya Dixit**

**Final Decision : Allowed**

## Judgement

Nandita Dubey, J

This is the first application filed by the applicant under Section 438 of Cr.P.C. for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.98/2023 registered at Police Station Kareli, District Narsinghpur for the offences punishable under Sections 498-A, 377, 34 of IPC and Section 3/4 of Dowry Prohibition Act.

As per the prosecution, the applicant is the elder brother-in-law of the complainant who has lodged the complaint stating that she got married on 14.06.2022 and from the very next day, her husband and the rest of the family members started demanding a car from her parents and she has made allegation against the applicant that he used to unnatural act with her.

Learned counsel for the applicant submits that apart from the omnibus allegation that all the family members were demanding a car from the parents of the complainant, no other allegation has been made against him. It is pointed out

that specific allegation is against the husband of the complainant. It is stated that the trial Court has refused his bail application only for the reason that his younger brother, i.e., husband of the complainant is absconding.

Learned Panel Lawyer for the respondent/State has not disputed the fact that omnibus allegation about demand of car has been made against all the co-accused including the present applicant. She fairly stated that no other allegation has been made against the present applicant.

Considering the case diary statement and the fact that the allegation is omnibus against all the persons and no criminal antecedents are registered against the applicant, without adverting to the merits of the case, this application is allowed.

It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) with one surety in the like amount to the satisfaction of arresting officer.

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 him; 2 . The applicant will make himself available as and when called for interrogation and cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant will not seek unnecessary adjournments during trial;
- 5 . The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and
6. If the applicant commits any offence while being on anticipatory bail, then this order shall automatically stand cancelled without reference to the Court.

Certified copy as per rules.