

Devendra Singh Lodhi vs The State Of Madhya Pradesh on 3 March, 2015

Misc. Criminal Case. No.1891/2015

03.03
.2015

Shri Rajesh K. Awasthy, Advocate for the applicant.
Shri V.K. Pandey, Panel Lawyer for the respondent

State.

In compliance of earlier order dated 26.02.2015 Investigating Officer of Crime No.83/2014, registered at Police Station Belkheda, Jabalpur is personally present along with original case diary.

Heard on the question of admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

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

The applicant is in custody in connection with Crime No.83/2014, registered at Police Station Belkheda, Jabalpur, for the offences punishable under Sections 304B, 498A and 34 of IPC and Section 3 and 4 of Dowry Prohibition Act.

Learned counsel for the applicant submits that the applicant has falsely been implicated in the case. It is contended by the learned counsel for the applicant that on many pages of the charge sheet including dying declaration of deceased Rukmani it is marked that original have been lost, therefore, entire prosecution case appears to be false, malicious and fabricated. The co-accused Suresh, Smt. Usha Agrawal and Smt. Shobha Agrawal have already been enlarged on anticipatory bai by this Court. The case of the applicant is similar to the case of enlarged co-accused. The applicant is a young person and is in custody since 28.07.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has vehemently opposed the application for grant of bail of

the applicant on the ground that the applicant is a husband of the deceased Rukmani Bai and involved in a serious offence of cruelty, harassment and dowry demand, hence, the applicant does not deserve to be enlarged on bail.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case the evidence collected by the prosecution there is indication prima facie that the applicant is involved in a heinous crime. Looking to the nature and gravity of the accusation, this is not a fit case for grant bail to the applicant. Consequently, his application under Section 439 of the Cr.P.C. is hereby rejected.

(Subhash Kakade) Judge taj.