

Smt. Sheela Devi vs The State Of Madhya Pradesh on 23 April, 2015

(Smt. Sheela Devi Vs. State of M.P.) 1

M.Cr.C. No. 2928/2015

23/04/2015

Shri A.R. Shivhare, learned counsel for the applicant.

Shri R.S. Sharma, learned counsel for the respondent/ State.

Shri R.K. Shrivastava, learned counsel for the complainant. Heard on I.A. No. 2927/15, an application under Section 301(2) Cr.P.C. for assisting the prosecution.

Learned counsel for the applicant has no objection in this regard.

I.A. No. 2927/15 is allowed.

Shri R.K. Shrivastava, counsel for the complainant Rajesh Kumar, is allowed to assist the prosecution.

This is the first application for bail under Section 439 of the Cr.P.C. filed on behalf of the applicant Smt. Sheela Devi.

The applicant is in custody since 21-01-2015 in connection with Crime No. 34/15 registered at Police Station Padav, Distt. Gwalior for the offences punishable under Sections 304 B, 498A read with Section 34 IPC.

It is alleged that on 20.01.2015 at Chunni Ka Pura, Phoolbagh, Savitri, wife of accused Praveen died due to hanging. Merg was registered. During the investigation, it was found that deceased died due to hanging. The deceased was being harassed by her husband Praveen, her father-in-law Sitaram, her mother-in-law Sheela, Jeth (brother-in-law) Jeetendra, Jethani (sister-in-law) Rakhi and Nanad (sister-in-law) Nisha for demand of dowry, due to which she committed suicide.

(Smt. Sheela Devi Vs. State of M.P.) 2 M.Cr.C. No. 2928/2015 On behalf of the applicant, it is submitted that applicant is innocent. Co-accused Rakhi and Nisha have been granted bail. The applicant further contends that there is an omnibus allegation of demand of dowry. There is no specific allegation against the applicant. The applicant is fifty years old lady and is in custody since 21.01.15, therefore, she be granted bail.

On behalf of the State learned public prosecutor opposed the application. He argues that one day before the date of incident, sister of the deceased, Sharda, rang up to the in-laws of the deceased to speak to Savitri. The present applicant Sheela received the phone call and threatened her and did not allow her to speak to the deceased. After the second call, she informed Sharda that the deceased was sleeping. On the next day, an information of death of the deceased received.

Perused the case diary. Post-mortem report reveals that no mark of injury was found on the body of the deceased. The statement of Munnalal, father of the deceased and other witnesses show that there was a demand of Rs. One Lac and a four wheeler as dowry. There is an omnibus allegation of demand of dowry and harassment to the deceased by her in-laws. All the witnesses allege that the members of the in-laws were taunting that she did not bring sufficient dowry at her marriage.

Without commenting anything on the merits of the case, I deem it proper to extend the benefit of bail to the present applicant. Accordingly, this bail application is allowed.

It is directed that the applicant shall be released on bail on (Smt. Sheela Devi Vs. State of M.P.) 3 M.Cr.C. No. 2928/2015 her furnishing personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of the Trial Court for securing her presence before the concerned Court on all the dates of hearing fixed in this regard during trial.

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

1. The applicant will not interfere or influence the prosecution witnesses;
2. The applicant will make herself available or represent through her counsel on early date of proceedings
3. The applicant will not indulge in any similar offences during the pendency of the trial.
4. If the applicant found breach of any of the conditions above, the learned Trial Court would be at liberty to reconsider on the question of bail.

A copy of this order be sent to the concerned court for compliance.

Certified copy as per rules.

(S.K. Palo) Judge VS