

Sonu Gothwal vs The State Of Madhya Pradesh on 27 June, 2022

Author: Anil Verma

Bench: Anil Verma

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE ANIL VERMA
ON THE 27th OF JUNE, 2022

MISC. CRIMINAL CASE No. 27697 of 2022

Between:-

1. SONU GOTHWAL W/O LATE RAJESH GOTHWAL ,
AGED ABOUT 36 YEARS, OCCUPATION:
NOTHING
R/O: 72, CHETANPURA, NAGDA, DISTRICT
UJJAIN.
At Present R/o: 559, PANCHAM KE PHEL, THANA
TUKOGANJ, INDORE (MADHYA PRADESH)
2. DIPTI W/O KADAM LODWAL , AGED ABOUT 38
YEARS, OCCUPATION: NIL
R/O: 72, CHETANPURA, NAGDA, DISTRICT
UJJAIN.
At Present R/O: 559, PANCHAM KE PHEL, THANA
TUKOGANJ, INDORE (MADHYA PRADESH)
3. KADAM S/O SHRI KANHAIYALAL LODWAL ,
AGED ABOUT 41 YEARS, OCCUPATION:
MURTIKAR
R/O: 72, CHETANPURA, NAGDA, DISTRICT
UJJAIN.
At Present R/O: 559, PANCHAM KE PHEL, THANA
TUKOGANJ, INDORE (MADHYA PRADESH)

(BY SHRI ASHISH KANUNGO ADV.)

AND

THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
KSHIPRA, DISTRICT INDORE (MADHYA
PRADESH)

Signature Not Verified

SAN

(SHRI VIRAJ GODHA, PL FOR STATE)

(SHRI RAMESH CHANDRA NIHORE ADV. FOR OBJECTOR)

Digitally signed by TRILOK SINGH
SAVNER
Date: 2022.06.27 19:10:53 IST

This application coming on for orders this day,

following:

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ORDER

This is the first anticipatory bail application filed under Section 438 of the Code of Criminal Procedure, 1973. The applicants are apprehending their arrest in connection with Crime No.277/2022 registered at P.S. - Kshipra, District Indore (M.P.) for commission of offence punishable under Section 306 of IPC.

As per the prosecution story, marriage of the applicant No.1 Sonu was solemnized with deceased Rajesh on 19.11.2019. Applicant No.3 is the brother- in-law of the deceased and applicant No.2 is wife of the applicant No.3. It is alleged that after the marriage deceased was mentally and physically harassed by the applicants, due to which he committed suicide by sinking in river. Deceased has left a suicide note behind him. It has been described in the suicide note that all the applicants are responsible for his suicide. Accordingly offence under Section 306 of IPC has been registered against the applicants.

Learned counsel for the applicants contended that the applicants are innocent and they have been falsely implicated in this matter. Applicant No.1 is widow of the deceased and she was mentally and physically harassed by her husband and other family members, because of that she has given a written complaint at P.S. Lasudiya. She has also filed a complaint under Domestic Violence Act and also filed an application for maintenance before the Family Court. The applicants never harassed the deceased. After 10.6.2021 applicant No.1 was not living with the deceased. Earlier during the Merg enquiry no offence has been registered against the applicants. They are permanent resident of Nagda, District Ujjain. Hence he prays that all the applicants be released on anticipatory bail in case they are arrested in the aforesaid offence. In support of his contention he has placed reliance upon the judgment of the Apex Court in the case of Sanju Vs. State of M.P. reported in 2002(5) SCC 371.

Per contra, learned counsel for the objector opposed the anticipatory bail application and prayed for its rejection by submitting that all the applicants are responsible for the unfortunate suicide of the deceased. They continuously harassed the deceased and spoiled his life.

Learned PL for respondent/State also opposed the anticipatory bail application and prayed for its rejection.

Perused the case diary as well as the impugned order of the court below. Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature and gravity of allegation and also taking note of the fact that applicant No.1 is widow of the deceased, she has filed a complaint under the Domestic Violence Act as well as an application for maintenance and some other legal proceedings against the deceased, it appears that her relationship with the deceased was very tensed. Therefore, in view of the evidence available on record, without commenting upon merits of the case, at this stage applicant No.1 does not deserve for anticipatory bail.

Therefore, anticipatory bail application of applicant No.1 Sonu is rejected.

So far as applicants No.2 and 3 are concerned, they are brother-in-law and wife of brother-in-law of the deceased and they did not made any complaint or lodge any legal proceedings against the deceased. Therefore, in view of the evidence available on record, without commenting upon merits of the case, I deem it proper to release the applicants No.2 & 3 on anticipatory bail.

Accordingly, this application is partly allowed. It is directed that in the event of applicant's arrest, the applicant No.2 Dipti and applicant No.3 Kadam be released on anticipatory bail upon their furnishing a personal bond in the sum of Rs.75,000/- each with one solvent surety each in the like amount to the satisfaction of the arresting officer. The applicants No.2 & 3 are further directed to appear before the investigating officer within a period of 2 weeks from today and they shall assist in the investigation process on all the dates, as may be fixed by the Investigating Officer from time to time. They shall abide by the conditions enumerated u/S. 438(2) of Cr.P.C.

With the aforesaid, the application stands disposed of. C.C. as per rules.

(ANIL VERMA) JUDGE trilok