

# Lucky vs The State Of Madhya Pradesh on 18 January, 2024

**Author: Prem Narayan Singh**

**Bench: Prem Narayan Singh**

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IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH  
ON THE 18<sup>th</sup> OF JANUARY, 2024  
MISC. CRIMINAL CASE No. 55125 of 2023

BETWEEN: -

LUCKY S/O SHRI RAMESH MAURYA, AGED ABOUT 28  
YEARS, OCCUPATION: ENGINEER 168, SHYAM NAGAR  
ANNEX INDORE (MADHYA PRADESH)

(SHRI ARPIT KUMAR OSWAL, LEARNED COUNSEL FOR THE  
PETITIONER [P-1].

AND

THE STATE OF MADHYA PRADESH STATION HOUSE  
OFFICER THROUGH POLICE STATION HIRA NAGAR  
DIST. INDORE (MADHYA PRADESH)

(SHRI GAURAV RAWAT APPEARING ON BEHALF OF ADVOCATE  
GENERAL.

This application coming on for admission this day, the court  
following:

ORDER

This is the second bail application filed on behalf of the applicant under Section 439 of the Code of Criminal Procedure for grant of bail in relation to FIR/ Crime No. 507/2023 registered at police station Heera Nagar, District Indore for the offences under Section 304-B/34 of IPC. He is in custody since 10.08.2023.

2. Earlier, first bail application of the applicant was dismissed as withdrawn vide order dated 29.11.2023 passed in MCRC No.48876/2023 with liberty to renew the prayer after six months.

3. As per the prosecution story, on 26.07.2023, the deceased Pooja has committed suicide in her matrimonial home. A merger intimation was registered and thereafter on being investigation, it is alleged that the applicant along with other co-accused i.e. in-laws of the deceased were harassing the deceased physically and mentally and demanding dowry continuously since from inception. Due to

which, she has committed suicide. Hence, the FIR was registered against the applicant and other co-accused persons.

4. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. It is further submitted that earlier, the bail application of the applicant was dismissed as withdrawn with liberty to renew the same after six months. However, this application has been filed without completion of the period of liberty so granted by this Court because the applicant want the order on this application on merits instead of withdrawal. It is also submitted that out of four co-accused persons, two have already been granted bail by the learned trial court and two were granted bail by this court, hence, the present applicant is also entitled to get bail. It is also submitted that during the course of investigation, the police has recorded the statements of the relatives of deceased, but all the statements have been recorded in stereotype manner. There is nothing on record to show that the applicant has committed abetment and the ingredients of Section 306 and 107 of IPC are missing in the present case. It is further submitted the deceased has earlier also lodged a complaint against her in-laws, but later on, the same was compromised and she has not leveled any allegations. It is also submitted that there are only omnibus allegations against the applicant, there is no suicide note in the matter. Charge sheet has already been filed and the applicant is in jail since 10.08.2023 and the trial will take sufficient long time. Hence, prays for grant of bail.

5. On the other hand, counsel for the State has vehemently opposed the prayer by submitting that since from the inception, the applicant and his family members were harassing the deceased physically and mentally due to which she has committed suicide. It is also submitted that, prior to the incident, a complaint was also filed by her against the applicant and her in-laws regarding demand of dowry. Therefore, the applicant is not entitled for bail.

6. I have heard the counsel for the parties and perused the case diary.

7. From the face of record, it is clear that this is case where the deceased has committed suicide due to harassment for non-fulfilling the demand of dowry. It is also pertinent that earlier to this case, the deceased has also lodged a complaint at Mahila Police Station Indore on 15.04.2023. The marriage of the applicant and deceased was solemnized only on 26.11.2022 and she has committed suicide only within one year of their marriage. The witnesses i.e. relatives of the deceased have made specific allegations against the applicant regarding demand of dowry and harassment of the deceased. The testimony of these witnesses are required to be examined by the learned trial Court. So far as the parity with co-accused persons is concerned, they are the relatives of present applicant whereas, being husband of the deceased, the applicant is main accused.

8. Hence, in view of the fact that the deceased has committed suicide within one year of her marriage, there is earlier complaint registered against the applicant regarding demand of dowry and harassment, statements of witnesses, at this stage, no case for grant of bail is made out. The application is rejected.

(PREM NARAYAN SINGH) JUDGE amit