

Ankur vs The State Of Madhya Pradesh on 10 November, 2021

Author: Satyendra Kumar Singh

Bench: Satyendra Kumar Singh

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The High Court Of Madhya Pradesh
MCRC No. 54243 of 2021
(ANKUR Vs THE STATE OF MADHYA PRADESH)

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Jabalpur, Dated : 10-11-2021

Shri Sourabh Bhushan Shrivastava, learned counsel for the a
Shri K.K. Agnihotri, learned Panel Lawyer for the responden

Case diary is available.

With consent, heard finally.

This is first bail application filed under Section 439 of the Cr.P.C. for grant of bail to the applicant, as he has been arrested in connection with Crime No.452/2021 registered at Police Station Kotwali District Khandwa (M.P.) for the offences punishable under Sections 304-B, 34 of IPC.

Prosecution story, in brief, is that applicant was the husband of the deceased-Arti. Applicant alongwith other co-accused persons demanded four wheeler as dowry from the deceased-Arti and made cruelty with her, due to which she committed suicide by hanging within 7 years of her marriage.

Learned counsel for the applicant submits that marriage was solemnized on 28.11.2019. Deceased-Arti was died on 04.04.2021 and members of her family were present at the time of preparation of Naksha Panchayat Nama and Merg Enquiry. During that period they nowhere stated about the demand of dowry or cruelty. After about two and half months, they made allegations about demand of dowry and cruelty against the applicant and other co-accused persons on the basis of which offence has been registered. Deceased-Arti was pregnant and miscarriage was caused to her due to which she was under depression and committed suicide. Applicant has not committed any offence. Other co-accused persons have been enlarged on bail. Charge-sheet has been filed. The applicant is in judicial custody since 14.06.2021. Trial will take time to its conclusion, hence, prayer is made to enlarge the applicant on bail.

Learned Panel Lawyer opposes the application and submits that Signature SAN Not Verified 2 MCRC-54243-2021 parents of the deceased alongwith independent witnesses have specifically stated that demand of four wheeler was made by the applicant and other co-accused persons. They were harrasing mentally and physically the deceased due to which she committed suicide. Offeces against the applicant are of serious in nature. Learned Panel Lawyer further submits that case of the

applicant is different from the other co-accused persons, therefore, applicant's bail application be rejected.

Having considered the rival submissions and the fact that offence was registered after about more than two months after the incident and prior to that there were no complaint against the applicant with regard to demand of dowry or cruelty, therefore, this Court is of the view that the applicant deserves to be enlarged on bail, hence, without commenting anything on the merits of the matter this application is allowed.

It is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with a solvent surety in the like amount to the satisfaction of the trial Court for his appearance before that Court on all such dates as may be fixed by such Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr. P. C. In view of the outbreak of 'Corona Virus disease (COVID-19)' the concerned Jail Authority is directed to follow the directions/ guidelines issued by the Government with regard to COVID-19 before releasing the applicant .

This M.Cr.C. stands allowed.

C.c. as per rules.

(SATYENDRA KUMAR SINGH
JUDGE

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