

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 38916/18
(*Narayan Singh Vs. State of M.P.*)

Gwalior, Dated 6/12/18

Shri H.K. Shukla with Shri Rajeev Shrivastava, Advocates for the petitioner.

Shri G.S. Chauhan, Public Prosecutor for the respondent/State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The petitioner has filed this first application u/S 438 Cr.P.C. for grant of anticipatory bail.

Petitioner apprehends arrest in connection with offences punishable u/Ss. 306/34 in alternate 302 of IPC registered as Crime No.326/2018 at Police Station Ambah District Morena.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of anticipatory bail is made out.

Petitioner apprehends arrest in respect of an offence of murder and in the alternative abetment to suicide of his daughter-in-law whose dead body was found hanging from a tree which is situated at a distance from the matrimonial home. It is alleged that petitioner being father-in-law subjected the daughter-in-law to cruelty. Investigation in the matter is over by filing of chargesheet even against the petitioner. However, it is informed by learned counsel for the petitioner that proceedings for declaring the petitioner as absconder are initiated by the learned competent court but the

petitioner has not yet been declared as an absconder. Postmortem report does not disclose any antemortem injury. The petitioner is aged about 58 years.

In view of the above, this Court is though inclined to extend the benefit of anticipatory bail to the petitioner but with certain stringent conditions in view of nature of offence.

Accordingly, without expressing opinion on merits of the case, this application u/S 438 Cr.P.C is allowed and it is hereby directed that in the event of arrest, the petitioner shall be released on bail on furnishing a personal bond in sum of **Rs. 1,00,000/- (Rs. One Lac Only) with two solvent sureties each of Rs. 50,000/-** to the satisfaction of Arresting Authority.

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

1. The petitioner will comply with all the terms and conditions of the bond executed by him;
2. The petitioner will cooperate in the investigation/trial, as the case may be;
3. The petitioner will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The petitioner shall not commit an offence similar to the offence of which he is accused;
5. The petitioner will not seek unnecessary adjournments during the trial; and

6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

7. The petitioner shall mark his presence at the concerned police station for the first time on 12/12/18 and thereafter once every week.

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

C.c. as per rules.

(Sheel Nagu)
Judge