

HIGH COURT OF MADHYA PRADESH

(Smt. Bhagwati Jatav Vs. State of M.P.)

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M.Cr.C. No.42556/2018

Gwalior dated 12/11/2018

Shri Rajkumar Shrivastava, learned counsel for the applicant.

Shri Rajesh Pathak, Public Prosecutor for the respondent-State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

This is Second application under section 438 of the Code of Criminal Procedure. The first bail application was dismissed as withdrawn vide order dated 24/09/2018 passed in M.Cr.C. No. 35881/2018.

Applicant apprehends arrest in connection with Crime No.304/2018 registered at Police Station -Kolaras, District Shivpuri for the offence punishable under section 498-A, 304-B of IPC and section 3/4 of Dowry Prohibition Act.

Allegations against the applicant, in short, are that the applicant along with co-accused was involved in subjecting the deceased to cruelty and harassment due to non-satisfaction of demand of dowry (motorcycle) and ultimately death body of the deceased was found in her matrimonial home under suspicious circumstances.

Learned counsel for the applicant submits that applicant aged 45 years old lady is mother-in-law of the deceased and she has been falsely implicated in the present case. It is submitted that the applicant is residing separately from the deceased and her husband and there was no direct or indirect involvement of the applicant in day to day affairs of the deceased. It is

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further submitted that there is no evidence of soon before death of the deceased against the applicant. It is further submitted that marriage of the deceased was solemnized 7-8 years ago and till then not a single complaint of dowry demand related cruelty has been lodged against the applicant. No overact has been assigned to the applicant. It is submitted that the deceased left behind her eight months and three years old children and there is no one in the family expect the applicant to take care of the minor children. Applicant is permanent resident of the Dist. Shivpuri and there are no chances of her absconding or tampering with the prosecution evidence. She shall abide by the terms and conditions as may be imposed by this Court. Under these circumstances, applicant prays for anticipatory bail.

Learned Public Prosecutor for the State and learned counsel for the complainant 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.

Taking into consideration the facts and circumstances of the case, but without expressing any opinion on merits of the case, I deem it appropriate to extend the benefit of anticipatory bail to the applicant. It is hereby directed that in the event of arrest of applicant, she shall be released on bail on her furnishing a personal bond of **Rs. 50,000/- (Rupees Fifty**

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Thousand only) with one solvent surety of the like amount to the satisfaction of Arresting Authority.

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

1. She will comply with all the terms and conditions of the bond executed by her;

2. She will cooperate in the investigation/trial, as the case may be;

3. She will not indulge herself 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. She shall not commit an offence similar to the offence of which she is accused;

5. She will not seek unnecessary adjournments during the trial; and

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

Certified copy as per rules.

(S.A. Dharmadhikari)
Judge

*Durgekar**