

**THE HIGH COURT OF MADHYA PRADESH**  
**MCRC.48523/2018**  
**(Hem Singh Vs. State of M.P.)**

**GWALIOR; dated 18.12.2018**

Shri G.M.Soni, learned counsel for the applicant.

Shri Prakhar Dhengula, learned Public Prosecutor for the respondent/State.

Heard the learned counsel for the parties and perused the case diary.

The applicant has filed this application under Section 438 of Cr.P.C for grant of anticipatory bail, in connection with Crime No.160/2018, registered at Police Station Antri, district Gwalior, for the offence punishable under Sections 498A, 506, 34 of the I.P.C and 4 of the Dowry Prohibition Act.

It is the submission of learned counsel for the applicant that the applicant has preferred an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in which judgment has been passed vide judgment dated 17.9.2018 by Principal Judge Family Court, Gwalior. Therefore, to exert pressure, this process has been adopted. The applicant is innocent and confinement would bring social disrepute to his image. He further referred the judgment of Hon'ble Apex Court in the matter of **Arnesh Kumar Vs. State of Bihar and another, (2014) 8 SCC 273**. He is a peaceful citizen of the vicinity and undertakes to appear regularly before the Investigating Officer if anticipatory bail is granted and would cooperate in the investigation. Consequently, he prayed for bail of anticipatory nature.

On the other hand, learned counsel for the State has opposed the prayer and prayed for rejection of this bail application.

Considering the facts and circumstances of the case and perusal of case diary, but without expressing opinion on merits of the case, I deem it appropriate to allow this application under Section 438 of the Cr.P.C. It is hereby directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond of **Rs.50,000/- (Rupees Fifty thousand only)**

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

This order will remain operative subject to following conditions :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant 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 from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

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

C.c. as per rules.

**(Anand Pathak)**  
**Judge**