

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No.49425/2018
(Anil Vs. State of M.P.)

Gwalior, dated : 14.12.2018.

Shri Manoj Dwivedi, learned counsel for the applicant.

Shri Sangam Jain, learned Public Prosecutor for the respondent-State.

Heard the counsel for the parties and case diary perused.

The applicant has filed this first bail application u/S.438, Cr.P.C. for grant of anticipatory bail apprehending his arrest in connection with Crime No.172/2018, registered by police station Indergarh, District Datia, in relation to the offences punishable under Sections 498-A & 34 of IPC and Section 3/4 of the Dowry Prohibition Act.

It is the submission of learned counsel for the applicant that the case is of false implication. Marriage of the applicant has been solemnized in year 2010 and she is living separately from the year 2016 and FIR has been registered in year 2018. On the basis of omnibus allegation, case has been registered. He placed the reliance in the case of Arnesh Kumar Vs. State of Bihar and others (2014) 8 SCC 273 and seeks anticipatory bail. Confinement would bring social disrepute to him. Applicant undertakes to cooperate in the investigation/trial and he also undertakes to make himself available as and when required investigating officer.

Learned PP for the State opposes the bail application and prayed for its rejection.

There is no criminal antecedents of the applicant and the material placed on record does not disclose possibility of the applicant fleeing from justice, this Court is though inclined to extend the benefit of bail to the applicant but with certain stringent conditions in view of pendency of investigation.

Accordingly, without expressing opinion on merits of the case, I deem it appropriate to allow this application u/S 438 Cr.P.C

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in the following terms.

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)** 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 the applicant :-

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/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicants 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.

7. The applicant will mark his presence before the police station concerned on every Monday, Wednesday and Friday between 10:00 am to 2:00 pm till filing of the charge-sheet.

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

C.C. as per rules.

(Anand Pathak)
Judge