

The High Court Of Madhya Pradesh
MCRC-51203-2019

(SMT. REENA YADAV Vs THE STATE OF MADHYA PRADESH)

Gwalior, Dated : 11.12.2019

Shri Pradeep Katare, learned counsel for the applicant.

Shri Aditya Singh, learned Public Prosecutor for respondent/State.

Shri V.P.S. Tomar, learned counsel for the complainant.

This is the **second** application under Section 439 of the Cr.P.C filed by the applicant. The applicant is in custody since 07.11.2019 in connection with Crime No.666/2019, registered at Police Station Morar, District Gwalior, for the offences punishable under Sections 304-B, 498-A, 34 of IPC and section 3/4 of Dowry Prohibition Act. His first bail application (M.Cr.C.No.48151/2019) was dismissed as withdrawn on 21/11/2019.

It is the submission of counsel for the applicant that the false case has been registered against the applicant and she is in confinement since 07/11/2019. She is the Government Servant and working in Mines and Minerals Department, Madhya Pradesh and she is a married lady (since 2005) and living separately and therefore, she was not instrumental in extending threat/coercion for dowry demand. Only on the basis

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of omnibus allegations. The applicant was put to confinement which amounts to pretrial detention. She undertakes to cooperate in the investigation/trial and make herself available as and when required by the trial court. She would not be a source of embarrassment and harassment to the prosecution witnesses in any manner. He further undertakes to do some community service. Under these grounds, he prayed for grant of bail to the applicant.

Learned Public Prosecutor for the State opposed the prayer made by the applicant.

Heard learned counsel for the parties and case diary perused.

Considering the submissions advanced by learned counsel for the applicant as well as fact situation of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only)** with one solvent surety of the like amount to the satisfaction of the concerned

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trial Court.

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

1. The applicant will comply with all the terms and conditions of the bond executed by her;
2. The applicant will cooperate in the investigation/trial, as the case may be; and she would not move in the vicinity of complainant party in any manner;
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 applicant shall not commit an offence similar to the offence of which she 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. As per the undertaking given by counsel on behalf of the applicant, it is hereby directed that applicant shall plant **10 saplings (either fruit bearing trees or Neem / Peepal) alongwith tree guards or has to make arrangement for fencing for protection of the trees** because it is the duty of the

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applicant not only to plant the saplings but also to nurture them. “ वृक्षारोपण के साथ, वृक्षापोषण भी आवश्यक है” He shall plant saplings/ trees preferably of 6-8 ft., so that they would grow into full fledged trees at an early time. For ensuring the compliance, he shall have to submit all the photographs of plantation of trees/saplings before the concerned trial Court alongwith a report within 30 days from the date of release of the applicant. The progress reports shall be submitted by the applicant before the trial Court on expiry of every three months for two years.

It is the duty of the trial Court to monitor the progress of the trees because human existence is at stake because of the environmental degradation and Court cannot put a blind fold over any casualness shown by the applicant regarding compliance. Therefore, trial Court is directed to submit a report regarding progress of the trees and the compliance made by the applicant by placing a short report before this Court every quarterly (every three months), which shall be placed under the caption "Direction" before this Court.

Any default on behalf of applicant in plantation or caring of trees shall disentitle the applicant from enjoying the benefit of bail.

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The applicant shall be at liberty to plant these saplings/ trees at an place of his choice or where she lives if he intends to protect the trees on her own cost by providing tree guards or fencing for which applicant shall have to bear necessary expenses for plantation of the trees and their measures for safeguard.

This direction is made by this Court as a test case to address the Anatomy of Violence and Evil by process of Creation and a step towards Alignment with Nature. The natural instinct of compassion, service, love and mercy needs to be rekindled for human existence as they are innately engrained attributes of human existence.

"It is not the question of Plantation of a Tree but the Germination of a Thought."

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

C.C. as per rules.

(Anand Pathak)
Judge