

**THE HIGH COURT OF MADHYA PRADESH**  
**MCRC-19265-2020**  
*(MANBHAR Vs STATE OF MADHYA PRADESH)*

**Gwalior, Dated : 03/07/2020**

Shri Anshu Gupta, learned counsel for applicant.

Shri Rajesh Shukla, learned Dy. Additional Advocate General, for respondent/State.

In the wake of unprecedented and uncertain situation due to outbreak of the Novel Corona Virus (COVID-19) and considering the advisories issued by the government of India, this application has been heard and decided through video conferencing to maintain social distancing. The parties are being represented by the respective counsel through video conferencing, following the norms of social distancing/physical distancing in letter and spirit.

Heard learned counsel for the parties.

The applicant has filed this first application under section 438 of the Cr.P.C. for grant of bail.

The present first application under Section 438 of Cr.P.C for anticipatory bail as he has an apprehension of his arrest in connection with Crime No. 15/2020 registered at Police Station Badoda, Distt. Sheopur for the offences punishable under Sections 304-B and 498 of IPC and Sec. 3/4 of Dowry Prohibition Act.

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Applicant is stated to be mother-in-law of the deceased. It is submitted that there is no specific allegation against the present applicant made by the prosecution/complainant. It is further submitted that she is not named in FIR and subsequently, in the statements recorded, whole family has been roped up along with the present applicant. It is further submitted that two co-accused persons have been enlarged on bail vide orders dated 05.06.2020 passed in **M.Cr.C Nos. 14395/2020 (Ramkatha Vs. State of M.P.) and M.Cr.C No. 17627/2020 (Ramu Vs. State of M.P.)**. The applicant is ready to abide by all the terms and conditions that may be imposed by this Court while considering her application for grant of bail. The applicant undertakes to serve the national cause by making contribution of Rs.10000/- in **PM Care Fund** and install **Arogya Setu App**. On these grounds, the applicant prayed for grant of bail.

Per contra, learned counsel for State has opposed the prayer and submits that the death has taken place in the house of the applicant. There was panchayat got done on 07.01.2020 and the deceased was brought to her matrimonial house and on the next day,

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death has taken place by hanging, but he fairly submits that there is no specific allegation against the present applicant and all the allegations made against the husband of the deceased and husband is already in custody.

Heard learned counsel for the parties at length. Written application and arguments considered.

The Supreme Court by order dated 23-3-2020 passed in the case of **IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS** in **SUO MOTU W.P. (C) No. 1/2020** has directed all the States to constitute a High Level Committee to consider the release of prisoners in order to decongest the prisons. The Supreme Court has observed as under :

“The issue of overcrowding of prisons is a matter of serious concern particularly in the present context of the pandemic of Corona Virus (COVID – 19).

Having regard to the provisions of Article 21 of the Constitution of India, it has become imperative to ensure that the spread of the Corona Virus within the prisons is controlled.

We direct that each State/Union Territory shall constitute a High Powered Committee comprising of (i) Chairman of the State Legal Services Committee, (ii) the Principal Secretary (Home/Prison) by whatever designation is known as, (ii) Director General of Prison(s), to determine which class of prisoners can be released on parole or an interim bail for such period as may be thought

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appropriate. For instance, the State/Union Territory could consider the release of prisoners who have been convicted or are under trial for offences for which prescribed punishment is up to 7 years or less, with or without fine and the prisoner has been convicted for a lesser number of years than the maximum.

**It is made clear that we leave it open for the High Powered Committee to determine the category of prisoners who should be released as aforesaid, depending upon the nature of offence, the number of years to which he or she has been sentenced or the severity of the offence with which he/she is charged with and is facing trial or any other relevant factor, which the Committee may consider appropriate.”**

Considering overall facts and circumstances of the case and looking to the fact that applicant is a old lady aged about fifty years and there is no specific allegation against the present applicant, this Court is of the considered opinion that applicant deserve to be released on anticipatory bail.

As this Court is not in a position to consider the facts of the case in detail as well as looking to the fact that co-accused persons have already granted bail and considering the fact that in view of Covid-19 pandemic, without commenting on the merits of the case, it is hereby directed that in the event of arrest, the applicant shall be released on bail on her furnishing personal bond of **Rs.50,000/- (Rupees Fifty Thousand only)** to the satisfaction of Investigation Officer / trial

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Court, as the case may be with submission of written undertaking that she will abide by the terms and conditions of different circulars, orders as well as guidelines issued by Central Government, State Government as well as Local Administration for maintaining social distancing, hygiene etc to avoid Novel Corona Virus (COVIC-19) pandemic and he will has to install **Arogya Setu App**, if not already installed.

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 her;

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

3. The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade 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

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the trial;

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

**7. Applicant shall deposit Rs.10,000/- in PM CARES Fund having Account Number : 2121PM20202, IFSC Code: SBIN0000691, SWIFT Code : SBININBB104, Name of Bank & Branch : State Bank of India, New Delhi Main Branch.**

7. The applicant will inform the SHO of concerned police station about her residential address in the said area and it would be the duty of the Public Prosecutor to send **E-copy** of this order to SHO of concerned police station for information.

Application stands allowed and disposed of.

E- copy of this order be provided to the applicant and E-copy of this order be sent to the trial Court concerned for compliance. It is made clear that E-copy of this order shall be treated as certified copy for practical purposes in respect of this order.

Certified copy/ e-copy as per rules/directions.

**(Vishal Mishra)**  
**JUDGE**

**LJ\***