

01 M.Cr.C.43768/2020

HIGH COURT OF MADHYA PRADESH

M.Cr.C.43768/2020

(Nasya Bai vs. State of M.P.)

Gwalior, Dated: 20.11.2020

Shri Pawan Vijayvargiya, learned counsel for the applicant.

Shri Rajiv Upadhyay, learned Panel Lawyer for respondent/State.

Matter is heard through Video Conferencing.

This is the **second** bail application u/S.439 Cr.P.C filed by the applicant for grant of bail. The first application was disposed of on 23.07.2020 and the applicant surrendered before the trial Court on 26.10.2020.

It is submitted by learned counsel for the applicant-Nasya Bai that the applicant is in custody since 26.10.2020 in connection with Crime No.44/2020 registered at Police Station Avda, District Sheopur for the offence punishable under sections 498-A, 304-B, 201, 34 of IPC and section $\frac{3}{4}$ of Dowry Prohibition Act.

Learned counsel for the applicant submitted that the applicant is aged around 67 years and she is mother-in-law of the deceased. The deceased committed suicide by hanging after 3 $\frac{1}{2}$ years of marriage. Investigation is complete and charge sheet has been filed and the conclusion of trial will take its own time, hence prayed for grant of bail. He further undertakes to abide by all the terms and conditions of guidance, circulars and directions issued by Central Government, State Government as well as Local Administration regarding

measures in respect of COVID-19 Pandemic and maintain hygiene in the vicinity while keeping physical distancing.

Per contra, State Counsel has vehemently opposed the bail application and has submitted that the applicant is mother-in-law of the deceased. Hence, prayed for dismissal of the bail application.

Heard learned counsel for the parties at length through Video Conferencing and considered the arguments advanced by them and perused the available case-diary.

In view of the aforesaid and considering the facts and circumstances of the case and also considering the fact that the applicant is aged around 67 years and conclusion of trial will take time, without commenting upon the merits of the case, the application is allowed and it is hereby directed that the applicant shall be released on bail on her furnishing personal bond in the sum of **Rs.1,00,000/- (Rupees One Lac only)** with one solvent surety of the like amount to the satisfaction of the Court concerned for her regular appearance before the Court concerned on the dates fixed by the Court concerned.

In view of COVID-19 pandemic, the Jail Authorities are directed that before releasing the applicant her Corona Virus test shall be conducted and if it is found negative, then the concerned local Administration shall make necessary arrangements for sending the applicant to her house, and if her test is found positive then the applicant shall be immediately sent to concerning hospital for her treatment as per medical norms. If the applicant is fit for release and

if she is in a position to make her personal arrangements, then she shall be released only after taking due travel permission from local administration. After release, the applicant is further directed to strictly follow all the instructions which may be issued by the Central Government/State Government or Local Administration for combating the COVID-19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Government/State Government or Local Administration, then this order shall automatically lose its effect, and the Local Administration/Police Authorities shall immediately take her in custody and would send her to the same jail from where she was released.

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

1. The applicant/s will comply with all the terms and conditions of the bond executed by him/her;
2. The applicant/s will cooperate in the investigation/trial, as the case may be;
3. The applicant/s will not indulge himself/herself/themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant/s shall not commit an offence similar to the offence of which he/she is accused;
5. The applicant/s will not move in the vicinity of complainant party and applicant/s will not seek unnecessary adjournments during the trial;

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

7. The applicant/s will inform the SHO of concerned Police Station about his/her/their residential address in the said area and it would be the duty of the State Counsel 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 sent to the trial Court concerned for compliance, if possible for the office of this Court.

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

(Rajeev Kumar Shrivastava)
Judge