

HIGH COURT OF MADHYA PRADESH,

BENCH AT INDORE

MCRC NO.644/2021

*Sanjay s/o Khema Lacheta vs. State of M.P*

13.01.2021: (INDORE):

Shri Anopam Chouhan, learned counsel for the applicant.

Shri Zeeshan Khan, learned Panel Advocate for the respondent/State

Heard learned counsel for the parties through video conferencing.

This is second repeat application filed under section 439 Cr.P.C seeking bail in connection with Crime No.476/2020 registered at police station Dhamnod, district Dhar for the offence punishable under sections 420, 419, 468 & 34 of the IPC. The first application was dismissed as withdrawn on 15.12.2020 in MCRC no.46399/2020.

As per prosecution story, father of the complainant – Jitendra met with Sukhram on 1.7.2020 and shown desire of marriage of Jitendra. Sukhram gave his mobile number to Sukhram. Sukhram gave a call on 3.7.2020 and called them at Khalghat in respect of one marriage proposal. They met with Rohit and Maya W/o. Pankaj as relative of bride Roshni They gave a marriage proposal of marriage of Roshni with the complainant and for this marriage, they demanded Rs.3.00 Lakhs from the complainant. The complainant and his father have agreed to this marriage and gave Rs.51,000/-

as 'Shagun' and fixed the marriage of Jitendra with Roshni on 9.7.2020. Thereafter they met on 9.7.2020 in the Court and marriage was solemnized before the Notary . The other rituals of the marriage were performed in the house of Jitendra. As per the complainant, on 10.7.2020, Sanjay invited them for house opening ceremony. Complainant took Roshni, his parents and elder brother to Khalghat, where Maya informed that the programme has been postponed and requested them to leave Roshni in her house for four days. The complainant came back to Maheshwar and when he did not receive any call from Roshni he found himself to be cheated by Roshni. After lodging of the FIR, the police has arrested all the accused except Roshni and recovered Rs.1,50,000/- from them.

The first application was dismissed vide order dated 15.12.2020 with liberty to file fresh application after the arrest of accused Roshni. Learned counsel for the applicant submits that the accused Roshni has been arrested by the police and co-accused Rohit and Maya were granted temporary bail for a period of 3 months on 26.11.2020 in MCRC No.45212/20 & MCRC No.45213/2020 on the ground that they would help the police to arrest Roshni and would try to settle the matter between the parties.

Heard learned Panel Lawyer appearing on behalf of the respondent/State.

Considering the facts and circumstances of the case and the arguments advanced by learned counsel for the

applicant, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under section 437(3) Cr.P.C.

Before releasing the applicant from the custody the jail authorities are directed to medically examine him in order to rule out the possibility of COVID-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No. 1/2020.

C.c as per rules.

(VIVEK RUSIA)  
JUDGE

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