

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE ANIL VERMA**

ON THE 25th OF MAY, 2023

MISC. CRIMINAL CASE No. 12378 of 2023

BETWEEN:-

**SANTOSH S/O ANAND JI CHAVAN, AGED 26 YEARS,
OCCUPATION: SERVICE R/O 452, BAHADUR SHEIKH
NAKA GANDHINAGAR BADUR COLONY, CHIPLUN
DISTRICT RATNAGIRI (MAHARASHTRA)**

.....APPLICANT

**(BY SHRI Z.A. KHAN - SENIOR ADVOCATE WITH SHRI RAMESH
CHANDRA GANGARE - ADVOCATE)**

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION G.R.P. SHAMGARH DISTRICT MANDSAUR
(MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI D.G. MISHRA - GOVERNMENT ADVOCATE)

.....
*This application coming on for admission this day, the court passed the
following:*

ORDER

This is the first application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail relating to Crime No. 100/2022 registered at Police Station GRP Shamgarh District Mandsaur (M.P.) for the offence under Sections 302, 304-B, 498-A and 34 of Indian Penal Code, 1860 and section 3 and 4 of Dowry Prohibition Act. The applicant is in custody since 18.11.2022.

As per prosecution story, marriage of deceased Komal was solemnized

with present applicant on 22.2.2022. After the marriage her husband/present applicant and father in law co-accused Anand mentally and physically harassed her for demand of golden ring as a dowry. On 30.5.2022 deceased was travelling in Golden Express Train and during journey she became unconscious, she was taken into hospital where she was declared died. The applicant was also travelling with her. Accordingly, offence has been registered against the applicant.

Learned counsel for the applicant submits that the applicant is an innocent person and he has been falsely implicated in this offence. He is in custody since 18.11.2022. The present applicant and deceased alongwith Rupesh and Rohini were on a trip. In Amritsar, deceased was admitted to hospital for treatment of dehydration. Investigation is over and charge sheet has been filed. There is no legal evidence available on record to connect the applicant in the aforementioned offence. He is permanent resident of District Ratnagiri Maharashtra. Final conclusion of the trial is likely to take sufficient long time. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

Per contra, learned counsel for the respondent / State opposes the bail application and prays for its rejection by submitting that death of deceased was unnatural, deceased died within three months of her marriage in a suspicious condition. Hence applicant does not deserve for bail.

Perused the impugned order of the trial Court as well as the case diary.

After considering all the facts and circumstances of the case, nature and gravity of offence, it is revealed that present applicant was named in the FIR, Chandrakant and Savita, who are father and mother of deceased categorically stated in their statement under section 164 Cr.P.C. that their daughter /deceased

was being mentally and physically harassed by her husband after marriage for demand of dowry, applicant did not inform about ill-health and death of deceased to her father in law and mother in law i.e. Chandrakant and Savita, as per postmortem report of the deceased, she sustained injuries over her head, thigh and knee and doctor opined that cause of death is due to antemortem injuries over her head. In view of the evidence available on record, this court is not inclined to grant bail to the applicant.

Hence this bail application filed by applicant under section 439 of Cr.P.C. is hereby rejected.

Certified copy as per rules.

BDJ



**(ANIL VERMA)
V. JUDGE**