
(2021) 07 MP CK 0027

Madhya Pradesh High Court

Case No: Miscellaneous Criminal Case No.32625 Of 2021

Vivek Patel

APPELLANT

Vs

State Of Madhya
Pradesh

RESPONDENT

Date of Decision: July 5, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 354(ka)(i), 377, 498A
- Dowry Prohibition Act, 1961 - Section 3, 4
- Code Of Criminal Procedure, 1973 - Section 438, 438(2)

Hon'ble Judges: Anjali Palo, J

Bench: Single Bench

Advocate: Pankaj Dubey, Ranjana Agnihotri

Final Decision: Allowed

Judgement

Anjali Palo, J

This is the first application filed by the applicant under Section 438 of the Cr.P.C. seeking anticipatory bail.

The applicant is apprehending his arrest in connection with Crime No.347/2021 registered at Police Station Gotegaon, District Narsinghpur for the

offence punishable under Sections 354(ka)(i), 377, 498-A & 34 of the IPC and Sections 3 & 4 of the Dowry Prohibition Act.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. The applicant is husband of the complainant. It is

also alleged that complainant is having illicit relationship with one Arvind Patel. In this regard, he has filed some documents (Annexure A/2) showing

their conversation. It is also alleged by the complainant that on 22.05.2021, the applicant, his father and his brother tried to outrage her modesty,

however, at that time the applicant was busy in performing last rites of his uncle, who died of Corona virus disease on the said date, as is evident from

the Death Certificate (Annexure A/4). The applicant is ready to cooperate in the investigation and trial. In view of the aforesaid, prayer is made to

enlarge the applicant on anticipatory bail.

Learned Panel Lawyer for the State has opposed the prayer for anticipatory bail.

Considering the overall facts and circumstances of the case and particularly conversation made between the complainant and other person, without

commenting on the merit of the case, the anticipatory application is allowed.

It is directed that in the event of arrest, applicant - Vivek Patel shall be enlarged on bail on his furnishing a personal bond in a sum of Rs.50,000/-

(Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the arresting officer for his appearance before him during the

course of investigation or before the trial Court, during trial, as the case may be.

It is further directed that the applicant shall abide by all the conditions as enumerated under Section 438(2) of the Cr.P.C.

Disposed of accordingly.