

Rajesh @ Rinku And Others Vs State Of Madhya Pradesh

Court: Madhya Pradesh High Court (Gwalior Bench)

Date of Decision: Jan. 3, 2023

Acts Referred: Code Of Criminal Procedure, 1973 " Section 438, 438(2)

Indian Penal Code, 1860 " Section 34, 304B, 498A

Dowry Prohibition Act, 1961 " Section 3, 4

Hon'ble Judges: Deepak Kumar Agarwal, J

Bench: Single Bench

Advocate: Faisal Ali Shah, Rajeev Upadhyay

Final Decision: Disposed Of

Judgement

Deepak Kumar Agarwal, J

This is First application under section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail.

The applicants are apprehending their arrest in connection with Crime No.1055/2022 registered at Police Station Morar, District Gwalior (MP) for the

offence punishable under Sections 498-A, 304-B, 34 of IPC and Sections 3, 4 of the Dowry Prohibition Act.

In brief, the prosecution case is that on 12.11.2022 Dhara Singh gave an information to police Station, Morar, that on 10.11.2022 at 1.30 am Banti

Jatav, Jeth of her sister Poonam, informed him that his sister deceased Poonam is admitted in Birla Hospital. On the information, he along with his

family members reached Birla Hospital and came to know that his sister Poonam has consumed acid and her condition is critical. Thereafter during

treatment on 11.11.2022 at 11 pm she died. On his information, Merg No.8/2022 was recorded. Dead-body Panchnama was prepared. Dead-body

was sent for postmortem. As per postmortem report, death seems to be of poisoning. Viscera was preserved for chemical analysis. During Merg

enquiry, statements of mother and father of the deceased were recorded in which they alleged against in-laws of the deceased that they used to

demand Rs. two lac and on non-fulfillment of aforesaid demand, they used to harass the deceased, due to this, she consumed acid and died in

suspicious circumstances. After about 1 month, FIR bearing crime No.1055/2022 for the aforesaid offences have been registered.

Learned counsel for the applicants submits that applicants are innocent and falsely implicated in the case. They are Devar and Jethani of the deceased

respectively. Applicants are ready to abide by the conditions as may be imposed by this Court. They undertake to cooperate in investigation/trial. On

such premises, learned counsel for the applicants prayed for anticipatory bail.

Learned Public Prosecutor opposed the bail application and prayed for its rejection.

Heard learned counsel for the parties and perused the case diary.

Looking to facts and circumstances of the case, without commenting on merits of the case, the application is allowed. It is directed that in the event of

arrest, applicants be released on bail on furnishing a personal bond in the sum of Rs.25,000/- (Rs. twenty Five Thousand) each with one solvent

surety each of the like amount to the satisfaction of the Arresting Authority/Investigating Officer.

The applicants shall abide by the conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.

With the aforesaid, the present application stands disposed of.

Certified copy as per rules.