

(2012) 04 MP CK 0032

Madhya Pradesh High Court

Case No: M. Cr.C. No. 1908 of 2012

Dharmendra

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision: April 2, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Dowry Prohibition Act, 1961 - Section 3, 4
- Penal Code, 1860 (IPC) - Section 120B, 302, 304B, 307, 34

Hon'ble Judges: Sheel Nagu, J

Bench: Single Bench

Advocate: Pradeep Katare, for the Appellant; R.P. Rathi, Public Prosecutor, for the Respondent

Judgement

Sheel Nagu, Judge

1. Heard. Case Diary is perused.

2. The applicant has filed this second application u/S 439, Cr.P.C. for grant of bail. The applicant has been arrested by Police Station Lahar, District Bhind in connection with Crime No.115/2011 registered in relation to the offences punishable u/Ss. 307, 498A, 34, 120B, 304B, 302 of I.P.C. and Section 3/4 of Dowry Prohibition Act.

3. Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

4. Considering the fact that new circumstance that has arisen after rejection of the first bail application on 07.02.2012 in M.Cr.C.No. 666/2012, is that the none of the prosecution witnesses have been produced for being subjected to examination and cross-examination despite the applicant being in custody since 14.05.2011 an even after the rejection of the first bail application on 07.02.2012, the trial was adjourned

on 08.02.2012, 09.02.2012, 22.02.2012 and 06.03.2012 only due to non-presence of the prosecution witnesses, this Court without expressing any opinion on the merits of the case is of the view that the applicant has made out a case of prejudice due to delayed trial and therefore, is entitled to bail.

5. Accordingly, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lac only) with two solvent sureties, each of Rs.50,000/- to the satisfaction of the concerned Trial Court. This order will remain operative subject to compliance of the following conditions by the applicants :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
6. The applicant shall not commit an offence similar to the offence of which he is accused;
7. The applicant will not seek unnecessary adjournments during the trial; and
8. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the Court concerned for compliance.

C.c. as per rules.