HIGH COURT OF MADHYA PRADESH : JABALPUR
M.Cr.C. No. 39193/2020

(Smt. Shakun Lodhi and another Vs. The State of M.P.)

PRESENT :

HON. SMT. NANDITA DUBEY, J (THROUGH VIDEO CONFERENCING)

Jabalpur, Dated : 25.11.2020

Shri Ajay Kumar Mishra, learned counsel for the applicant.

Ms. Anjali Shrivastava, learned Panel Lawyer for the respondent/State.

This is the first bail application filed by the applicant No.2 Smt. Leela Lodhi under Section 439 of the Cr.P.C. for grant of bail.

The applicant No.2 Smt. Leela Lodhi is in custody since 02.09.2020 in connection with Crime No. 289/2020 registered at P.S.Surkhi, District Sagar for the offences punishable under Sections mentioned therein.

The allegation against the applicant No.2, who is sister-in-law (*Jethani)* of the deceased, is that she harassed the deceased for dowry and treated her with cruelty. It was alleged that the deceased was missing from 29.08.2020 and her dead body was found in a well situated in front of their house.

Learned counsel for the applicants submits that applicant No.2 has been falsely implicated in this case. She is aged about 24 years and she has two minor children aged 3 and 4 years respectively. It is submitted by the learned counsel for the applicants that due to present Covid-19 situation the trial would take considerable time to conclude and the minor children are away from the mother, hence, bail may be granted to the applicant No.2.

On the other hand, learned Panel Lawyer has vehemently opposed the bail application and prayed for rejection of the same. It is submitted that the charge sheet has been filed, however, the allegation of cruelty and harassment has been made by the parents of the deceased against all the family members.

Considering that the applicant No.2 is having two minor children and in the present Covid-19 situation there is no possibility of early trail, I am of the view that it is a fit case to enlarge the applicant No.2 on bail, therefore, without expressing any view on the merits of the case, this application is **allowed**.

It is directed that **applicant No.2 Smt. Leela Lodhi** shall be released on bail on her furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety in the like amount to the satisfaction of the trial Court for her presence before the said Court on all the dates of hearing fixed in this regard during the trial.

This order will remain operative subject to compliance of the following conditions :-

> *"1. The applicant No.2 will comply with all the terms and conditions of the bond executed by him.*
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> *2. The applicant No.2 will cooperate in the investigation/trial, as the case may be;*
>
> *3. The applicant No.2 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/her/them from disclosing such facts to the Court or to the Police Officer, as the case may be;*
>
> *4. The applicant No.2 shall not commit any other offence during pendency of the trial, failing which*

this bail order shall stand cancelled automatically without further reference to the Bench;

5. The applicant No.2 will not seek unnecessary adjournments during the trial;

6. The applicant No.2 will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

7. The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to time by the Supreme Court, the Central Govt. and as well as the State Govt. during release, travel and residence of the applicant during period of bail as a consequence of this order."

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Ms. Anjali Shrivastava, learned Panel Lawyer, on their respective email address, for intimation to the Police Station concerned. The office is also directed to forward a copy of this order to the learned Court below.

Certified copy/e-copy as per rules.

Digitally signed by RAVI SHANKAR SHRIVASTAVA
Date: 2020.11.25 14:24:08 +05'30'

(Nandita Dubey)
Judge

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