HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.47240/2020

(**KAMTA PRASAD Versus THE STATE OF M.P.**)

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

Jabalpur: Dated: 01.12.2020

Shri Jayant Prakash Patel, learned counsel for the applicants.

Ms. Ankita Khare, learned Panel Lawyer for the respondent/State.

Heard.

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

The applicants apprehend their arrest in connection with Crime No. 980/2020 registered at Police Station Damoh Dehat, District Damoh for the offences punishable under Sections 498-A r/w Section 34 of IPC and Sections 3/4 of Dowry Prohibition Act.

As per prosecution, the complainant, who is the daughter in-law of the present applicants, filed a complaint before the police on 03.10.2020 that she was married on 15.02.2019 and has been harassed for dowry by her mother in-law, father in-law, brother in-law and her husband.

Learned counsel for the applicants submits that the complainant along with her husband was living at Indore and due to the discord between them she has left her husband and falsely implicated the present applicants who are not residing at Indore but working at Primary School Village Jaso, Dehsil Nagod, District Satna. It is submitted that applicant No.2 Smt. Usha Gupta is a government Teacher and if she is arrested, her service record will be

adversely affected. To substantiate her claim, she has also filed Annexure A/4.

Learned Panel Lawyer for the respondent/State fairly submits that it seems to be a family dispute between the husband and wife.

Considering that if the applicants are arrested, any possibility of compromise and settlement in the future between the husband and wife will be affected, this application is allowed.

It is directed that in the event of arrest, **applicants No.1 Kamta Prasad and No.2 Smt. Usha Gupta** shall be released on bail on their furnishing a personal bond in a sum of **Rs. 35,000/- (Rs. Thirty Five Thousand only) each** with one surety each in the like amount to the satisfaction of arresting officer.

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

1. The applicants will comply with all the terms and conditions of the bond executed by him;

2. The applicants will make themselves available as and when called for interrogation and cooperate in the investigation/trial, as the case may be;

3. The applicants will not indulge themselves 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;

4. The applicants will not seek unnecessary adjournments during trial;

5. The applicants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and

6. If the applicants commit any offence while being on anticipatory bail, then this order shall automatically stand cancelled without reference to the Court.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Ms. Ankita Khare, learned Panel Lawyer, on their respective email addresses, for intimation to the police station concerned.

Certified copy/e-copy as per rules/directions.

(Nandita Dubey)
Judge

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