IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3130 of 2024

BETWEEN:-

DEEPESH YADAV S/O SHRI NEELAM SINGH YADAV, AGED ABOUT 23 YEARS, OCCUPATION: STUDENT VILLAGE SHAVAZPUR THANA ARON DISTRICT GUNA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI R.K. SHRIVASTAVA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION ARON DISTRICT GUNA M.P. (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI RAJEEV UPADHYAY - PUBLIC PROSECUTOR)

This application coming on for admission this day, the court passed the following:

ORDER

1. This is first application under Section 438 of the Cr.P.C filed by the applicant who is a young man aged 23 years apprehending his arrest in connection with Crime No.57/2019, registered at Police Station- Aron, District Guna for the offence punishable under Sections 498 - A, 304-B, 34 of IPC.

2. It is the submission of learned counsel for applicant that applicant

who is a young man aged 23 years apprehending his arrest on the basis of registration of offence as referred above. During investigation, police did not arrest the applicant because during investigation it was found that applicant is living separately at village Sungayaie and he does not have any direct interference in day to day affairs of the household. Therefore, he has no direct role to cause abetment to his sister-in-law (भाभी) who committed suicide because of the harassment meted out to her for dowry demand. Incidentally, police did not file charge sheet against applicant and during framing of charge also applicant was arrayed as accused and/or charge was not framed against him. At the stage of Section 319 Cr.P.C. when complainant appeared in the dock and referred the name of present applicant in the commission of offence and, therefore, summons have been issued. Since applicant apprehends his arrest because of nature of allegations, therefore, applicant is before this Court. Applicant does not bear any criminal record. Confinement may bring social disrepute and personal inconvenience. Applicant undertakes to cooperate in investigation/trial. He is ready to abide by all the terms and condition as imposed by this Court. Under these grounds, he prayed for anticipatory bail.

3. Learned counsel for the respondent/State opposed the prayer. However, he fairly submits that applicant does not bear any criminal record and during investigation role of applicant was not found to be implicative. Therefore, charge sheet against parents-in-law of deceased was filed.

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

5. Considering the submissions, this Court intends t o allow the application, therefore, it is hereby directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of Arresting Authority/Investigating Officer.

6. This order will remain operative subject to compliance of the following conditions by the applicant:-

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.

4. The applicant shall not commit an offence similar to the offence of which he is accused;

5. The applicant will not seek unnecessary adjournments during the trial;

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

7. Application stands **allowed and disposed of.**

8. Copy of this order be sent to the trial Court concerned for compliance.

9. Certified copy as per rules.

(ANAND PATHAK)
JUDGE

Van

VANDANA
VERMA
2024.02.02
18:35:51 +05'30'

THE HIGH COURT OF MADHYA PRADESH