IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4530 of 2024

BETWEEN:-

SMT SAJJOBAI W/O SHRI PHOOL SINGH, AGED ABOUT 50 YEARS, R/O GRAM KHERIYA TOR THANA MEHGAON DISTRICT BHIND (MADHYA PRADESH)

.....APPLICANT

(BY MR. BRIJ KISHORE KUSHWAH - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MEHGAON DISTRICT BHIND (MADHYA PRADESH)

.....RESPONDENTS

(BY MR. ROHIT MISHRA - ADDITIONAL ADVOCATE GENERAL)

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

ORDER

This is the first application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail relating to FIR No.12 of 2024 registered at Police Station Mehgaon, District Bhind (M.P.) for the offence under Sections 306 and 34 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. Applicant is a widow woman aged about 50 years. Further submission is that marriage of deceased and her son solemnized before 8 years, however, there is nothing on record to show that the deceased ever lodged any report regarding alleged harassment by the present applicant-

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accused. Further submission is that if the entire prosecution story deemed to be true, the ingredients of Section 107 of IPC does not attract. It is further argued that applicant is the permanent resident of District Bhind (M.P.) having no criminal history and there is no possibility of his absconsion or tampering with the prosecution evidence. Applicant is the reputed citizen of the society and if she is sent to jail, her reputation would get diminished. Under these circumstances, he prays for grant of anticipatory bail to the applicant.

On the other hand, learned Panel Lawyer for respondent/State opposed the bail application and prays for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case and material available on record, but without expressing any opinion on merits of the case, this application is allowed and it is directed that in the *event of arrest*, the applicant be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-(Rupees Twenty Five Thousand Only) with a solvent surety** in the like amount to the satisfaction of the Arresting Officer/Investigating Authority.

The applicant shall further abide by other conditions enumerated under Section 438 (2) of the Code of Criminal Procedure.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

(LJ*)

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