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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 23rd OF JANUARY, 2024

MISC. CRIMINAL CASE No. 56916 of 2023

BETWEEN:-

**RAHUL @ ANSHU SAHU S/O SHRI HARIPRAKASH SAHU,
AGED ABOUT 31 YEARS, 158 PRATAPPURA NAGRA
JHANSI DISTRICT JHANSI (UTTAR PRADESH)**

.....APPLICANT

(MS. UMA KUSHWAH - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION THROUGH POLICE STATION DABRA
DISTRICT GWALIOR (MADHYA PRADESH)**

.....RESPONDENT

(SHRI PRAMOD KUMAR PACHORI - PUBLIC PROSECUTOR)

(SHRI ASAD KHAN - COUNSEL FOR THE RESPONDENT [COMP].

.....
*This application coming on for hearing this day, the court passed the
following:*

ORDER

Heard on IA No. 23566/2023, an application under Section 301(2) of the Cr.P.C.

For the reasons stated in the application, the same is allowed and Shri Asad Khan - learned counsel for the complainant and his associates are permitted to assist the prosecution.

This first bail application has been filed by applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.566 of 2023 registered at Police Station Dabra, District Gwalior

(M.P.) for offence punishable under Sections 377, 498-A, 323, 294, 506 and 34 of IPC and Section 4 of Dowry Prohibition Act. Applicant is in judicial custody since 28.11.2023.

As per the case of prosecution, prosecutrix aged around 28 years submitted a written complaint to SHO, PS- Mahila Thana, Gwalior on 28.06.2023, *inter-alia*, alleging that she was married to Rahul @ Anshu Sahu (applicant) on 21.01.2016. They were blessed with two sons. Her husband, Hariprakash Sahu (father-in-law), mother-in-law (Mamta), and uncle-in-law (Moti Sahu) were demanding Scorpio vehicle in dowry. They started manhandling her and she was treated with cruelty. On 07.04.2023, her husband Rahul took her to her parental home for B.com final year examination. Rahul committed sex against the nature in the night, when she objected Rahul stated that until his demand for Scorpio vehicle is not met, he will harass her. Rahul left her at her parental home. In April, 2023, she went to her matrimonial home, but all the accused started harassing her. On 24.05.2023, she was expelled from her matrimonial home. On 24.05.2023, around 9 in the night, accused came to her parental home and abused her in filthy language. Accused were demanding Scorpio vehicle, therefore, she was staying with her parents. On 27.06.2023, when she called her husband on mobile phone, her husband abused her in filthy language. On such allegations, PS Dabra, District Gwalior registered FIR at Crime No.566 of 2023 registered at Police Station Dabra, District Gwalior (M.P.) for offence punishable under Sections 377, 498-A, 323, 294, 506, 34 of IPC and Section 4 of Dowry Prohibition Act against the applicant and co-accused. Prosecutrix was forwarded for medico-legal examination. Statement of witnesses have been recorded. Applicant Rahul was arrested on 28.11.2023. He is in custody every since. Investigation is complete.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has been falsely implicated in this matter. It is a case of matrimonial discord between husband and wife. Complainant is residing at her parental home at her own wish. Both the parties are trying to amicably settle the issue. He is a shopkeeper. No criminal antecedent is reported against the applicant. There is no likelihood of his absconsion leaving his family, home and profession. There is no likelihood of tampering with the evidence by the applicant. Jail incarceration is causing hardship to the applicant and his family. Trial would take time to conclude. Therefore, applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence. Learned counsel appearing on behalf of the prosecutrix supports the application and submits that the prosecutrix has no objection with regard to grant of bail to the applicant.

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

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that applicant **Rahul @ Anshu Sahu** shall be released on bail in connection with Crime No.566 of 2023 registered at Police Station Dabra, District Gwalior (M.P.) for offence punishable under Sections 377, 498-A, 323, 294, 506 and 34 of IPC and Section 4 of Dowry Prohibition Act, upon furnishing a personal bond in the sum of **Rs.50,000/- (Rupees fifty thousand only)** with one solvent surety of the same amount to the satisfaction

of the Trial Court, for compliance with the following conditions,: **(For the sake of convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-**

(1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा।

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो।

(4) Applicant shall not directly or indirectly attempt to temper with the evidence or allure, pressurize or threaten the witness;

(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा।

(5) During trial, the applicants shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा 309 दं.प्र.सं. के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा।

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, it shall become ineffective without

reference to the Court.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned, if any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

**(SANJEEV S KALGAONKAR)
JUDGE**

Vijay

