IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 1398 of 2024

BETWEEN:-

1. **RAIVANTIBAI W/O MADANLAL NAGPURE, AGED ABOUT 60 YEARS, OCCUPATION: HOUSE WIFE R/O P.S. & TEHSIL KHAIRLANJI DISTRICT BALAGHAT (MP)**

2. **MADANLAL S/O DASHRATH NAGPURE, AGED ABOUT 65 YEARS, OCCUPATION: FARMER P.S. & TEHSIL KHAIRLANJI DISTRICT BALAGHAT (MADHYA PRADESH)**

.....APPLICANTS

(BY SHRI SANJAY SHARMA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION KHAILRANJI DISTRICT BALAGHAT (MADHYA PRADESH)

.....RESPONDENT

(BY SMT. SONALI SHRIVASTAVA - PANEL LAWYER)

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

ORDER

This is the second bail application filed by the applicants under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR No. 258/2023 dated 30.9.2023 registered at Police Station Khairlanji, District Balaghat (M.P.) for the offence punishable under Sections 304-B/ 34 of IPC. Applicants are in detention since 30.9.2023.

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Signed by: DEEPA MISHRA
Signing time: 2/3/2024
10:24:50 AM

2. Their first bail application was dismissed as withdrawn and not pressed vide order dated 19.12.2023 passed in M.Cr.C. No.47808/2023.

3. As per the prosecution story, deceased Roshni's marriage was performed with Kailash Nagpure on 17.2.2023. She committed suicide on 3.9.2023 by consuming some poisonous substance. In inquiry and investigation it is stated by the parents of the deceased that she was being tortured and harassed in connection with demand of dowry of Rs. One Lac and one motorcycle. FIR was registered. After investigation, charge sheet has been filed.

4. Learned counsel for the applicants have submitted that applicants have not committed any offence. They are innocent. They have been falsely implicated. Allegations are against husband and not against the applicants who are in-laws of the deceased. It is further submitted that before death, deceased statement were recorded and in her statement recorded by the police, deceased has specifically stated that she consumed insecticides as she was beaten by the husband. She has not stated anything against the present applicants. Therefore, it is prayed that the applicants may be released on bail.

5. On the other hand, learned counsel for the State has opposed grant of bail.

6 . I have gone through the deceased statement recorded in her lifetime under Section 161 of Cr.P.C.. Applicants are in-laws. After investigation charge sheet has already been filed. Having taken into consideration all the facts and circumstances of the case but without

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expressing any opinion on the merit of the case, I am of the view that it is a case in which further pretrial detention of the applicants/accused is not warranted. Consequently, bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicants, stands **allowed.**

7. It is directed that applicants - **Raivantibai and Madanlal** be released on bail on their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only) each** with one solvent surety in the like amount **each** to the satisfaction of the trial Court, for their regular appearance before the trial Court during trial with a condition that they shall remain present before the concerned Court on all the dates fixed by it during trial. They shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

8. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

mrs. mishra

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Signed by: DEEPA MISHRA
Signing time: 2/8/2024
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