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. 1898 of 2024

BETWEEN:-

SUNIL NORIYA S/O SHRI CHARANLAL NORIYA, AGED ABOUT 32 YEARS, OCCUPATION: AGRICULTURIST R/O NEAR B.T.I. SCHOOL GADARWARA P.S. AND TEHSIL GADARWARA DISTRICT NARSINGHPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI S.B. SHRIVASTAVA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION GADARWARA DISTRICT NARSINGHPUR (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI N.S. SOLANKI - PANEL LAWYER)

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

ORDER

This first bail application under Section 439 of the Code of Criminal Procedure has been filed by the applicant for grant of regular bail in relation to FIR No. 1082/2023 dated 23.11.2023, registered at Police Station Gadarwara, District Narsinghpur (M.P.) for commission of offence under Sections 498-A, 304-B of IPC and Sections 3, 4 of Dowry Prohibition Act. Applicant is in detention since 23.11.2023.

2. As per the prosecution story, Sheetal whose marriage was performed with Sunil Noriya on 11.02.2019 committed suicide by hanging herself. It was alleged that applicant was harassing the deceased for demand of Rs.50,000/- as dowry.

3. Learned counsel for the applicant has submitted that applicant has not

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committed any offence. He is innocent. He has been falsely implicated. His marriage was love marriage with the deceased. Therefore, no question of demand of dowry arises. There was some normal wear and tear in their family life but deceased being of discordant and short tampered nature has committed suicide. Therefore, it is prayed that applicant may be released on bail pending the trial.

4. On the other hand, learned counsel for the respondent/State has opposed grant of bail to the applicant.

5. Considering the submissions by learned counsel for the applicant and material on record and having taken into consideration all the facts and circumstances of the case, but without expressing anything on the merit of the case, I am of the view that it is a case in which further pre-trial detention of the applicant is not warranted. Consequently, this bail application under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicant, stands **allowed.**

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

7. 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

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