IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4505 of 2024

BETWEEN:-

NANDU @ DEVKINANDAN S/O SHRI HARCHARAN RAIKWAR, AGED ABOUT 23 YEARS, OCCUPATION: AGRICULTURIST RESISENT OF PALERA P.S. PALERA DISTRICT TIKAMGARH (MADHYA PRADESH)

.....APPLICANT

(BY SHRI S.K. MISHRA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION PALERA DISTRICT TIKAMGARH (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI S.P. CHADAR - GOVERNMENT ADVOCATE)

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

ORDER

This is ***first*** application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR No.451/2023 registered at Police Station-Palera, District-Tikamgarh (M.P.) for the offence under Sections 304-B, 498-A, 34 of the IPC and Section 3/4 of the Dowry Prohibition Act.

2. Learned counsel appearing for the applicant submitted that applicant is in jail since 10.12.2023. Applicant is innocent and has falsely been implicated in the case. wife of applicant was not in fit mental condition and was in depressed

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state. The manner in which she committed suicide also reflects said facts. She took out all her clothes, closed the room and committed suicide. A day before her death she went along with applicant to police station and has lodged report against her brother-in-law. Non-cognizable report was report against her brother-in-law. In said report also nothing was stated regarding her harassment or demand of dowry. On one incident, she has also assaulted her daughter but any document in this regard is not available. In these circumstances, applicant may be released on bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail. It is submitted that deceased died within 1 and 1/2 year of her marriage. Applicant is husband who used to demand motorcycle and harass her. In these circumstances, applicant may not be released on bail.

4. Heard the counsel for the parties.

5. Considering the totality of aforesaid facts and circumstances of the case and the fact that charge sheet has been filed, without commenting on the merits of the case, bail application filed by applicant is ***allowed.***

6. It is directed that the applicant shall be released on bail on furnishing personal bond of ***Rs.50,000/- (Rs. fifty thousand only)*** with one solvent surety in the like amount to the satisfaction of the trial Court concerned for his regular appearance before Court on all such dates as may be fixed in this regard during pendency of trial.

7. The applicant shall also abide by the following conditions of Section 437 (3) of Cr. P. C. as under:-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(b) that such person shall not commit any offence similar to the offence

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of which he is accused, or suspected of the commission of which he is suspected and;

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. C.C. as per rules.

(VISHAL DHAGAT)
JUDGE

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