IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 57874 of 2023

BETWEEN:-

1. **KRIPA SHANKAR SHARMA S/O LATE SHRICHAND SHEKHAN PRASAD SHARMA, AGED ABOUT 80 YEARS, OCCUPATION: AGRICULTURIST RESIDENTS OF VILLAGE KUSHAHA POLICE STATION AND TAHSIL NAIGARHI DISTRICT MAUGANJ (MADHYA PRADESH)**

2. **SOMKALI TRIPATHI (SHARMA) W/O SHRI KRIPA SHANKAR SHARMA, AGED ABOUT 75 YEARS, OCCUPATION: HOUSEWIFE R/O VILLAGE KUSHAHA POLICE STATION AND TAHSIL NAIGARHI DISTRICT MAUGANJ (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI MANISH DATT - SENIOR COUNSEL ASSISTED BY SHRI SIDDHARTH BENDEL - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION NAIGARHI DISTRICT MUAGANJ (MADHYA PRADESH)

.....RESPONDENTS

(BY MS. PRIYANKA MISHRA - ADVOCATE)

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

ORDER

This is the first application filed by the applicants under Section 438 of the Cr.P.C. seeking anticipatory bail.

2. The applicants are apprehending their arrest in connection with

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FIR/Crime No.431 of 2023 dated 6.12.2023 registered at Police Station Naigarhi, District Rewa for the offences punishable under Sections 498-A, 306, 34 of the IPC.

3. Learned Senior Counsel for the applicant submits that the applicants are innocent and have been falsely implicated in the case. The applicants are father-in-law and mother-in-law of the deceased. The marriage of the son of the applicants was solemnized with the deceased in the year 2000 and after lapse of more than 23 years, the alleged incident took place wherein the present applicants are sought to be implicated. It is contended that there is a statement of son of the deceased, which palpably reflects that the present applicants have no connection with the alleged incident. It is further contended that applicant No.1 is a retired government servant aged about 80 years and applicant No. 2 is a lady aged about 75 years. It is submitted that the son of the applicants (husband of the deceased) has already been extended the benefit of bail. It is further submitted that the applicants are ready to cooperate in the investigation and trial. Therefore, the applicants be enlarged on anticipatory bail.

4. The counsel for the State has opposed the application and submitted that there are direct and serious allegations against the applicants. Therefore, the applicants are not entitled to be enlarged on anticipatory bail.

5. Heard the submissions advanced on behalf of the parties and perused the case diary.

6. It is evident that the marriage of the deceased was solemnized with the son of the applicant in the year 2000. The deceased committed suicide after about 23 years of marriage. The applicants are aged about 80 years and 75 years respectively. The son of the applicants (husband of the deceased) has already been released on bail.

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7. Considering the totality of the facts and circumstances of the case, nature of allegations as well as age of both the applicants, this Court deem it appropriate to enlarge the applicant on anticipatory bail. Therefore, without commenting on the merit of the case, the application is allowed.

8. It is directed that in the event of arrest, applicants namely **Kripa Shankar Sharma** and **Somkali Tripathi (Sharma)** shall be enlarged on bail on furnishing a personal bond in a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** each with one surety in the like amount to the satisfaction of the Arresting Officer for their appearance before him during the course of investigation or before the trial Court during trial, as the case may be.

9. It is further directed that the applicants shall abide by all the conditions as enumerated under Section 438(2) of the Cr.P.C.

(MANINDER S. BHATTI)
JUDGE

PB

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