

(Smt. Kamlesh Magraiya Vs. State of MP)

30.05.2013

Shri Susheel Goswami, Advocate for the applicant.

Shri Prabal Pratap Singh Solanki, Public Prosecutor for the respondent/State.

With the consent of parties, this bail application is finally heard.

Applicant apprehends arrest in connection with offences punishable u/Ss. 498A, 506, 323 and 427 of IPC and Ss.3/ 4 of Dowry Prohibition Act registered as Crime No.249/2013 at Police Station Jora, District Morena.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of anticipatory bail is made out.

Considering the allegation of dowry demand related cruelty made against the applicant, where the marriage had taken place on 16.07.2012 and arrest in the offences of this nature may diminish possibility of settlement in future, this Court is inclined to extend the benefit of anticipatory bail to the applicant, who is mother-in-law aged 59 years.

Accordingly, without expressing opinion on merits of the case, I deem it appropriate to allow this application u/S 438 Cr.P.C in the following terms.

It is hereby directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond of **Rs.50,000/-(Rupees Fifty Thousand only)** with two solvent sureties of the like amount to the satisfaction of Arresting Authority.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by her;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which she is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the Police Station concerned for compliance.

C.c. as per rules.

(Sheel Nagu)
V. Judge

Mehfooz/-