

31.01.2014

Shri A.S. Bhadoriya, Advocate, for the applicant.

Shri Devendra Choubey, P.P., for the respondent/State.

Shri Deependra Singh Kushwah, Advocate, for the complainant.

Heard.

Perused the documents.

This is first application under Section 438 of Cr.P.C. for grant of anticipatory bail by the applicant, who apprehends his arrest in connection with Crime No.19/2014 registered by Police Station Mahila Thana, District Gwalior (M.P.) for commission of offence punishable under Sections 498A, 323, 506 of IPC and under Section 3/4 Dowry Prohibition Act.

Prosecution story, in short, is that Smt. Kumud Chouhan wife of the accused/applicant lodged the report against the present applicant and his family members for illegal demand of Rs.Five Lacs and one A.C. It is also alleged that applicant and his relatives committed *maarpeet* and compelled her to leave matrimonial house. On the basis of said report, FIR was registered against the applicant and his family members.

Contention of the learned counsel for the applicant is that applicant is innocent and he has falsely been implicated in the case. It is submitted that after marriage, the complainant became seriously ill by pleurisy. She was provided best treatment by the applicant and her in laws. Due to her illness, she used to remain in tension and create unpleasant atmosphere in the family. She left her matrimonial house and started living with her parents. One divorce case was also filed by the applicant against his wife which is pending before the competent court. It is further

submitted that other co-accused persons have already been benefited to anticipatory bail by the trial court. On these premises, learned counsel for the applicant submits that the applicant may be benefited to anticipatory bail by allowing the present application.

Learned Public Prosecutor and learned counsel for the complainant opposed the bail application and prayed for its rejection.

Considering the overall facts and circumstances of the case but without expressing any opinion on the merits, it is directed that if within a period of fifteen days from today, the applicant makes himself available for interrogation before the Investigating Officer and if the concerning I.O., during interrogation, decides to take him into custody, he shall be released on bail on his furnishing personal bond in the sum of **Rs. 50,000/- (Rs.Fifty Thousand Only) with one solvent surety** in the like amount to the satisfaction of the Arresting Authority, subject to compliance of the conditions enumerated under Section 438(2) as well as Section 437(3) of Cr.P.C.

In case of violation or breach of the aforesaid conditions, the applicants shall be taken into custody forthwith.

A copy of this order be sent to the concerned police station for necessary compliance.

Certified copy as per rules.

(G.D.Saxena)
Judge