

Ravindra Kaur & Anrs. vs. State of M.P

M.Cr.C.No.9102/2015

31/08/2015

Shri Pradeep Katare, Advocate for the applicants.

Shri B.K.Sharma, Public Prosecutor for the respondent/  
State.

Learned counsel for the rival parties are heard.

Applicants apprehend arrest in connection with offences punishable u/Ss. 323, 498-A of IPC registered as case No.814/2010 at Police Station Gohad, District Bhind.

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.

Applicant No.1 is sister-in-law apprehends arrest in respect of offence punishable u/S.498-A of IPC where the allegation is of causing dowry demand related cruelty. Arrest in matters of this nature may diminish the possibility of settlement in the near future. In view of the above this Court, without expressing any opinion on merits of the case, is inclined to extend the benefit of anticipatory bail to the applicant No.1.

Accordingly, bail application u/S. 438 of Cr.P.C. is allowed in the following terms.

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It is hereby directed that in the event of arrest, the applicant No.1 shall be released on bail on furnishing a personal bond of **Rs.50,000/-(Rupees Fifty Thousand only)** with two solvent surety of Rs.25,000/- 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 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

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the case may be.

The applicant No.2 is alleged with dowry demand related cruelty with offence punishable u/S.498-A of IPC. In matter of this nature arrest of the applicant No.2 may jeopardize the prospects of settlement in the future and therefore normally this Court grants anticipatory bail to the accused. However, the aspect which requires consideration in the case of applicant no.2 is that the order of the lower court indicates that an amount of Rs.4,000/- was directed to be paid by the applicant-husband as maintenance allowance u/S.125 of Cr.P.C. to the respondent-wife which has not been paid.

Grant of anticipatory bail to the applicant shall, to some extent, amount to grant of premium to default and thus it would be appropriate that additional condition be imposed in this bail order for payment of maintenance allowance in terms of the order passed by the trial court as a condition precedent against the applicant to enjoy the benefit of anticipatory bail.

Accordingly, bail application of applicant no.2 u/S. 438 of Cr.P.C. is allowed in the following terms.

It is hereby directed that in the event of arrest, the

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applicant No.2 shall be released on bail on furnishing a personal bond of **Rs.1,00,000/-(Rupees One Lac only)** with two solvent surety of Rs.50,000/- 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 him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him 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 he 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.

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7. Subsistence of this order shall remain subject to payment of maintenance amount of Rs.4,000/- if not already paid by the applicant No.2 fixed by the appropriate Court u/S.125 of Cr.P.C. provided the said order continuing to hold the field. In case the applicant fails to pay the said maintenance amount then the present anticipatory bail order would loose it's sanctity and trial Court shall free to issue & execute warrant of arrest against the applicant no.2.

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

C.c. as per rules.

(Sheel Nagu)  
Judge

AK/-