

The High Court Of Madhya Pradesh

MCRC-52251-2018

(AJAY SEN Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 31-12-2018

Shri Pramod Thakre, learned counsel for the applicants.

Shri Aditya Narayan Gupta, learned GA for the respondent/State.

Heard with the aid of case diary.

This is first application under Section 439 Cr.P.C. Applicants Ajay Sen and Smt. Krishna Bai were arrested on 12/12/2018 in Crime No.271/2018 registered at Police Station Garhakota, District-Sagar (M.P) for the offences punishable under Sections 304-B/34, 498-A of IPC and 3/4 of Dowry Prohibition Act.

As per the prosecution case, on 22/06/2018 deceased Madhvi Sen wife of the co-accused Anil Sen set herself ablaze after pouring kerosene, due to which she sustained burn injury and died due to that burn injuries during treatment on 22/06/2018 i.e. within one year of her marriage. It is alleged that the applicants who are respectively the brother-in-law and mother-in-law of the deceased Madhvi Sen and co-accused Anil Sen, husband of the deceased demanded dowry and used to harass her, due to which she committed suicide.

Learned counsel for the applicants submits that the applicants have not committed any offence and have falsely been implicated in the offence. In the dying declaration of the deceased recorded by police, it is mentioned that deceased sustained injury due to accident. Even in the statements of Smt. Manju Sen and Ravindra Sen parents of the deceased recorded by police on 18/06/2018, it is mentioned that the deceased Madhvi Sen sustained burn injury due to accident. The applicants are in custody since 12/12/2018 and the conclusion of trial is likely to take long time, hence prayed for release of the applicants on bail.

On the other hand, learned counsel for the respondent/State opposed the prayer and submitted that sufficient evidence is available against the present applicants to connect them with the crime, so applicants should not be released on bail.

Looking to the facts and circumstances of the case and as to the fact that the applicants are in custody since 12/12/2018 and conclusion of trial will take time, so without commenting on the merits of the case, the application is allowed and **applicants- Ajay Sen and Smt. Krishna Bai** are directed to be released on bail upon

their furnishing personal bond each in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only)** with one surety each in the like amount to the satisfaction of the concerned Court for their appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

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

1. The applicants will comply with all the terms and conditions of the bond executed by them;
2. The applicants will cooperate in the investigation/trial, as the case may be;
3. The applicants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the fact 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 applicants shall not commit an offence similar to the offence of which they are accused;
5. The applicants will not seek unnecessary adjournments during the trial; and
6. The applicants will not leave India without previous permission of the trial Court, as the case may be.

Certified copy as per rules.

(RAJEEV KUMAR DUBEY)
V. JUDGE

Prachi

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