

The High Court Of Madhya Pradesh

MCRC-16898-2019

(SMT. SANGITA BARKADE Vs THE STATE OF MADHYA PRADESH)

Jabalpur, Dated : 30-04-2019

Shri Ravi Shankar Patel, learned counsel for the applicant.

Shri Ajay Tamrakar, P.L. for the respondent/State.

Heard with the aid of case diary.

This is first application under Section 438 of Cr.P.C. as applicant **Smt. Sangita Barkade** apprehends her arrest in connection with Crime No.149/2019 registered at Police Station Gwarighat, District-Jabalpur (M.P.) for the offences punishable under Sections 304-B, 34 of the IPC and 3/4 of Dowry Prohibition Act.

As per the prosecution case, on 16.03.2019 deceased Ranu wife of co-accused Rohit Barkade committed suicide by hanging herself. It is alleged that applicant Smt. Sangita Barkade, sister-in-law of the deceased, co-accused Rohit Barkade husband and Smt. Devwati Barkade mother-in-law of the deceased demanded dowry and used to harass her due to which she committed suicide within one year of her marriage.

Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the offence. It is further submitted that applicant is sister-in-law of the deceased and the allegations regarding demand of dowry are general in nature. The applicant is ready to cooperate in the investigation and trial. In the event of arrest, her reputation will be ruined. Under these circumstances, applicant prays for anticipatory bail.

Learned counsel for the respondent/State opposed the prayer and submitted that applicant demanded dowry and used to harass the deceased, due to which she committed suicide. So applicant should not be released on anticipatory bail.

Looking to the overall facts and circumstances of the case and as to the fact that applicant is sister-in-law of the deceased and the allegations regarding demand of dowry are general in nature, without expressing any view on the merits, this application is allowed. It is directed that in the event of arrest of applicant by the police in the aforesaid crime, applicant **Smt. Sangita Barkade** shall be released on bail on her furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety in the like amount to the satisfaction of the Arresting

officer (Investigating Officer) for her regular appearance before the Police during the investigation or before the Court during trial.

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 the case may be.

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

Certified copy as per rules.

(RAJEEV KUMAR DUBEY)
JUDGE

VS