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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE PRANAY VERMA**

ON THE 29th OF JULY, 2022

MISC. CRIMINAL CASE No. 36949 of 2022

Between:-

**SWAROOP SINGH S/O LAL SINGH, AGED ABOUT
22 YEARS, OCCUPATION: MAJDURI, R/O GRAM
GOPALPURA, TEHSIL MHOW, DISTRICT
INDORE (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI JAMIL SHEIKH, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
KISHANGANJ, DISTRICT INDORE (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI HITENDRA TRIPATHI, GOVT. ADVOCATE)

.....
*This application coming on for admission this day, the court passed the
following:*

ORDER

1. They are heard. Perused the case diary /challan papers.
2. This is the **First** application under Section **439** of Criminal Procedure Code, 1973, as the applicant is implicated in connection with **Crime No.302/2022** registered at **Police Station Kishanganj, District Indore (MP)** for offence punishable under **Section 304-B of IPC**. The applicant is in custody since 06.04.2022.

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SARVATE
Signing time: 30/07/2022
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3. As per the prosecution, the applicant was married to the deceased Sugna according to their customary ways where the girl runs away with the boy of her

liking and marries him and thereafter an agreement is effected by the Panchayat between both the families. The applicant had brought the deceased to the village about a year ago after marrying her and they had been living together. Only because he may not have to pay the amount to the mother and brother of the deceased, the applicant used to physically and mentally harass her. He used to not permit the deceased to talk to her family members and did not even inform them of her death. As a result of the harassment having been meted out to her, Sugna eventually committed suicide on 29.01.2022 by hanging herself. On recording of the statements of the family members of the deceased, applicant has been implicated and arrested for the present offence.

4. Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the case. There is no allegation against him that he ever raised any demand of dowry from the deceased or her family members. The allegation is only to the effect that for the purpose of avoiding payment to her family members he used to physically as well as mentally harass the deceased and did not permit her to talk to her family members. The offence under Section 304-B of the IPC is hence not made out against the applicant, who is in custody since 06.04.2022 and the trial is likely to take a long time for its conclusion, hence the applicant deserves to be enlarged on bail.

5. The aforesaid prayer has been opposed by the learned Government Advocate for the respondent/State submitting that in view of the allegations levelled against the applicant and the material collected by the prosecution against him, he is not entitled to be released on bail.

6. I have heard learned counsel for the parties and have perused the case

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7. In their statements the family members of the deceased have not levelled

any allegation against the applicant that he ever demanded any sum by way of dowry either from them or from the deceased. The allegation is only that he used to mentally and physically harass the deceased so that he may not have to pay any amount to her family members as per customary rites. Thus, *prima facie* offence under Section 304-B of the IPC does not appear to be made out against the applicant. Investigation has been completed and chargesheet has been filed and the applicant is in custody since 06.04.2022 and the possibility of the trial taking a long time for its conclusion cannot be ruled out. Thus, in my opinion, the applicant deserves to be released on bail.

8. Accordingly, without commenting on the merits of the case, the application filed by the applicant is allowed. The applicant is directed to be released on bail upon furnishing a personal bond in the sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** with **one solvent surety** of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

9. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy as per rules.

(PRANAY VERMA)
JUDGE

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