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

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

ON THE 30th OF SEPTEMBER, 2022

MISC. CRIMINAL CASE No. 47137 of 2022

BETWEEN:-

1. **TOOFAN S/O MADANLAL, AGED ABOUT 45 YEARS, OCCUPATION: AGRICULTURE GRAM TILAWADI CHHOTI, TEH. TARANA, DISTT. UJJAIN (MADHYA PRADESH)**
2. **MANDANLAL S/O NANDAJI, AGED ABOUT 70 YEARS, OCCUPATION: AGRICULTURE GRAM TILAWADI CHHOTI, TEH. TARANA, DISTT. UJJAIN (MADHYA PRADESH)**
3. **PREMABAI W/O MADANLAL, AGED ABOUT 68 YEARS, OCCUPATION: LABOUR GRAM TILAWADI CHHOTI, TEH. TARANA, DISTT. UJJAIN (MADHYA PRADESH)**

.....APPLICANTS

(BY SHRI JITENDRA SHARMA, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH PS MAKDON, DISTT. UJJAIN (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI GAURAV SINGH CHAUHAN, DEPUTY. GOVT. ADVOCATE)

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

ORDER

01. This is first application filed by the applicants under Section 438 of

the Code of Criminal Procedure, for grant of anticipatory bail. The applicants

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CHOURASIA
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are apprehending their arrest in connection with Crime No.373/2022 registered

at Police Station Makdon, District Ujjain for an offence punishable under Section 306 of the Indian Penal Code.

02. As per the prosecution, deceased Seemabai was married to applicant No.1 Toofan about 24 years ago. From out of the wedlock she was having two children. She committed suicide on 31.07.2022 by consuming sulphas tablets. Thereafter statements of the family members of deceased was recorded in which they stated that ever since the marriage of the deceased with applicant No.1 he and his parents i.e. applicants 1 & 2 have been harrasing the deceased and had been beating her by making demands of dowry and also in respect of her not working for livelihood. The parents of deceased on numerous occasions tried to sort out the dispute but to no avail. As a result of the harrasment having been meted out to her, deceased eventually committed suicide. On the basis of the statements of the family members of the deceased, the applicants have been implicated for the present offence.

03. Learned counsel for the applicants submits that there is no allegation against the applicants of instigating or abetting the deceased to commit suicide. They are only alleged to have beaten her on occasions and having harrassed her mentally on demand of dowry and for going to work to earn. No injuries have been found on the body of the deceased. It is hence submitted that prima facie offence under Section 306 of the IPC is not made out against the applicants. Applicants No.2 & 3 are old and aged persons. On such grounds prayer for grant of benefit of anticipatory bail to the applicants has been made.

04. The aforesaid prayer has been opposed by learned counsel for the respondent/State submitting that in view of the allegations levelled against the

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applicants, they are not entitled to be granted the benefit of anticipatory bail.

05. I have heard the learned counsel for the parties and have perused

the case diary.

06. The deceased was married to applicant No.1 about 24 years ago and was having two grown up children from the marriage. The allegation against the applicants is of mentally and physically harassing the deceased by making demands of dowry from time to time and for her to go to work to earn. No report appears to have been lodged by the deceased or her family members against the applicants during her lifetime. There is no allegation of the applicants instigating or abetting the deceased to commit suicide. Applicant No.2 is aged about 70 years and applicant No.3 is aged about 68 years. . Thus in my opinion, in view of the allegations levelled against the applicants, they deserve to be granted benefit of anticipatory bail.

07. It is directed that in the event of arrest of applicants by the Arresting Officer, they shall be released on bail subject to their furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety each of like amount to the satisfaction of the Arresting Officer (Investigating Officer).

08. The applicants shall make themselves available for interrogation by a Police Officer, as and when required. Applicants shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

09. Accordingly, Miscellaneous Criminal Case No.47137 of 2022 stands allowed and disposed off.

Certified copy as per rules.

jyoti



Signature Not Verified

Signed by: JYOTI
CHOURASIA
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