

HIGH COURT OF MADHYA PRADESH

M.Cr.C. No. 6241/2020

(SMT. PRABHA SHARMA AND OTHERS Vs THE STATE OF MADHYA PRADESH)

PRESENT : HON.SMT. NANDITA DUBEY,J.(THROUGH VIDEO CONFERENCING)

Jabalpur: Dated 17.06.2020.

Shri Y.S. Baghel, learned counsel for the applicants.

Shri Piyush Bhatnagar, learned Panel Lawyer for the respondent/State.

Heard.

On account of the prevailing conditions worldwide, brought about by the COVID 19 virus, this application has been heard and decided through Video Conferencing to maintain social distancing. The necessary parties have effectively been represented by their respective counsel through Video Conferencing.

This is the first bail application filed by the applicants under Section 438 of Cr.P.C. for grant of anticipatory bail.

The applicants apprehend their arrest in connection with Crime No. 131/2019 registered at P.S. Jaitpur, District Shahdol, MP for the offence punishable under Section 306/34 of the IPC. Their bail application before the trial Court was dismissed on 25.01.2020.

The allegation against the present applicants are that they tortured and harassed the deceased, on account of which she committed suicide.

Learned counsel for the applicant submitted that the date of incident is 24.10.2016 whereas the FIR has been lodged after a period of three years on 20.06.2019. It is further stated that the parents of the deceased or any of her relatives from her maternal side has not made any complaint before the police authority regarding the harassment or the cruel treatment by her in-laws. It is further stated that under Section 161, Cr.P.C. statements of brothers of the deceased were also recorded after a period of four years. The applicants are ready to co-operate in

the investigation and trial. They may be released on anticipatory bail.

Learned Panel Lawyer for the respondent/State fairly submits that there are no criminal antecedents against them, however, the FIR has been lodged on the basis of the dying declaration given by the deceased in the hospital. It is fairly submitted that the deceased was brought in a burn condition to the hospital by her husband.

Considering that the incident is of the year 2016 and the FIR was lodged after a period of three years and in the meantime the parents or the brothers/sisters of the deceased have not lodged any complaint regarding any cruel treatment or harassment given to the deceased by the present applicants and also considering the statement of the deceased in the dying declaration that she has previously lodged complaints regarding the cruelty of her in-laws has not been found proved on enquiry, and also considering the affidavits given by the children of the deceased, I find present to be a fit case to enlarge the applicants on anticipatory bail, therefore, without expressing on the merits of the case, this application is **allowed**.

It is directed that in the event of arrest, applicants No.1 Smt. Prabha Sharma, No.2 Smt. Meena Sharma, and No.3 Neeraj Sharma shall be released on bail on their furnishing a personal bond in a sum of Rs. 50,000/- (Rs. Fifty Thousand only) **each** with one surety in the like amount to the satisfaction of arresting officer.

The applicants shall further abide by the other conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Mr. Piyush Bhatnagar, learned Panel Lawyer, on their respective email addresses, for intimation to the police station concerned.

(Nandita Dubey)
Judge