

Deepak Vs. the State of Madhya Pradesh Judgement Given By: Hon'ble Shri Justice U.C. Maheshwari

Deepak Vs. the State of Madhya Pradesh Judgement Given By: Hon'ble Shri Justice U.C. Maheshwari

SooperKanoon Citation : sooperkanoon.com/1127880

Court : Madhya Pradesh

Decided On : Jan-27-2014

Appellant : Deepak

Respondent : The State of Madhya Pradesh Judgement Given By: Hon'ble Shri Justice U.C. Maheshwari

Advocate for Pet/Ap. : Shri. Alok Tapikar

Judgement :

1 M.

Cr.C.No.14385/2013.

27.1.2014.

Shri Alok Tapikar, learned counsel for the applicant.

Shri Umesh Pandey, learned G.A.for the respondent/ State.

State counsel submit that he is under the receipt of case diary.

Heard.

This petition is preferred under Section 439 of Cr.P.C.

for grant of bail to the applicant, as he is in custody since 22.5.2013 in connection with Crime No.101/2013, registered at Police Station Chipavad District Harda for the offence punishable under Section 304-B, 498-A of IPC and 3/4 of Dowry Prohibition Act.

As alleged the wife of the applicant namely Maya has committed suicide by pouring kerosene on herself and setting fire within seven years from the date of marriage on account of cruelty committed by the applicant and his parents on account of demand of dowry.

Having heard the counsel at length keeping in view the arguments advanced by the counsel, I have carefully gone through the case diary, I have found that after sustaining burn injuries she was taken to hospital where during treatment her dying declaration was recorded by the duty doctor at District Hospital on 10.3.2013, in which she categorically stated that after taking bath when she was wearing the clothes (Sari) accidentally her Sari caught the fire from lamp, resultantly she sustained the burn injuries, so she did not make any allegation against the applicant in such dying declaration and that was the initial version of the deceased and subsequently due to such burn injuries she has passed away, on which an inquest 2 report was registered and it appears that 4-5 days no evidence was available against the alleged culprit that is why after 4-5 days the alleged crime was registered, hence considering over all circumstances of the case specially the dying declaration of the deceased, without expressing any opinion on merits of the matter, this petition is allowed.

It directed that on furnishing a personal bond of Rs.50,000/- (Rupees Fifty thousand).along with one surety of like amount to the satisfaction of the trial Court, the applicant Deepak shall be released on bail with a direction to appear on each and every date of hearing before the trial court.

His single non-appearance before the trial court shall lead to automatic dismissal of this bail order.C.C.

as per rules.

(U.C.Maheshwari) Judge k

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com