

Babu Ali and ors. Vs. State of Madhya Pradesh

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SooperKanoon Citation : sooperkanoon.com/511754

Court : Madhya Pradesh

Decided On : Jul-15-2002

Reported in : I(2003)DMC504

Judge : S.L. Kochar, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 438; [Indian Penal Code \(IPC\), 1860](#) - Sections 323, 498A and 506

Appeal No. : M.Cr.C. No. 2355 of 2002

Appellant : Babu Ali and ors.

Respondent : State of Madhya Pradesh

Advocate for Def. : Palsikar, Panel Lawyer

Advocate for Pet/Ap. : Yadav, Adv.

Disposition : Application allowed

Judgement :

ORDER

S.L. Kochar, J.

1. This is an application Under Section 438, Cr.P.C. in connection with Crime No. 86/2002 for the offence punishable Under Sections 498A, 323, 506, I.P.C.

2. The applicant No. 1 Babu Ali is the husband and applicant Nos. 2,3,4 are his relations. The applicant No. 1 was married before 10 years with the complainant-wife Najma. She has given birth to 4 children; 3 daughters and one son. Now after 10 years of the marriage a false allegation has been levelled by the complainant against the applicants regarding ill-treatment for demand of dowry. On the other hand the contention of the Panel Lawyer Mr. Palsikar is that the applicant No. 1 has contracted second marriage without giving divorce to his first wife-complainant Najma, In Mohammadan community, the husband can contract a second marriage and for the purpose, he is not required to give divorce to his first wife. It appears that the second marriage of applicant No. 1 is the cause of dispute between the applicant and the complainant-wife Najma. Be as it may, looking to the fact, and circumstances of the case, the application is allowed.

3. The applicants in the event of their arrest are directed to be released on bail on their furnishing a bail-bond in the sum of Rs. 10,000/- each, with one solvent surety each in the like amount to the satisfaction of the police officer arresting them subject to the following conditions :

(1) That the applicants shall make themselves available for interrogation as and when required.

(2) That the applicants shall not make any threat, promise or inducement to anybody so as to dissuade him from disclosing such facts to the Court or to any police officer.

(3) That the applicants shall not leave India without permission of the Court.

4. It is made clear that the applicants shall apply for regular bail after filing of the charge-sheet.