



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1080 OF 2021
(Arising out of SLP (CrI.) No.4259 of 2021)

NISHA

Appellant

VERSUS

STATE OF MADHYA PRADESH

Respondent

O R D E R

Leave granted.

This appeal arises out of final judgment and order dated 07.05.2021 passed by the High Court of Madhya Pradesh at Gwalior in MCRC No.22186 of 2021.

Apprehending her arrest in connection with crime registered pursuant to FIR No.104 of 2021 dated 23.03.2021 lodged with Police Station Mehgaon, District Bhind, Madhya Pradesh, in respect of the offences punishable under Sections 304-B/498A/34 of the Indian Penal Code, 1860 and Sections 3/4 of the Dowry Prohibition Act, 1961, application seeking anticipatory bail was preferred by the appellant in the High Court. The application having been rejected by the order presently under challenge, the instant appeal has been preferred.

Vide order dated 22.06.2021, while issuing notice, this Court granted interim relief in the following terms:

"In the meantime, no coercive action against the petitioner shall be taken."

According to the affidavit-in-reply filed on behalf of the State, the investigation is complete and the charge-sheet has already been filed on 26.06.2021 in respect of some of the accused. However, the charge-sheet has not yet been filed against the appellant because of the interim order passed by this Court.

We have heard learned counsel for the parties.

Mr. Varun Thakur, learned Advocate appearing for the original complainant invited our attention to various issues including the fact that second complaint was filed in respect of pressure sought to be exerted by the family of the accused.

Considering the totality of the circumstances, in our view, the appellant is entitled to the relief of anticipatory bail.

We, therefore, allow this appeal and set-aside the order passed by the High Court and direct:

- a) In the event of the arrest of the appellant in connection with the aforestated crime, the arresting officer shall release the appellant on bail on her furnishing cash security in the sum of Rs.25000/- (Rupees Twenty Five Thousand Only) with two like sureties.
- b) The appellant shall render complete cooperation in the ensuing investigation.
- c) The appellant shall not in any manner misuse the liberty granted to her.

d) Any infraction or violation of the aforestated conditions shall entail in cancellation of the relief of anticipatory bail granted to the appellant.

With the above observations, the appeal is allowed.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

New Delhi,
September 24, 2021