

CNR No. PBMN010003862018

CIS No.BA/158/2018

Kamlesh Kumari Vs. State

Present: Sh. Bimaljit Singh, Advocate for applicant-accused.
Sh. Gagandeep Bhardwaj Addl.P.P. for the State.

1. Applicant Kamlesh Kumari has filed the present application for anticipatory bail under section 438 Cr.P.C. in case FIR No.09 of 30.01.2018 u/s 498-A, 406 IPC, P.S. City-II Mansa.
2. Notice of the same was issued to State. Learned Addl. PP for the State appeared on receipt of notice. Sh.J.S. Jhinjer Advocate also appeared on behalf of complainant and they opposed the bail application and prayed for dismissal of same.
3. I have heard the learned counsel for the applicant, learned Addl. PP for the State assisted by the ld. Counsel for the complainant and have perused the police record carefully.
4. Present FIR had been lodged by Suman Lata that she was married to Naresh Kumar in April 2012. After the marriage, she has been harassed by her in-laws. She was forced to sleep out side the room and dowry is repeatedly demanded. Her parents have also been threatened on telephone. Her parents remained ill. Dowry articles including gold ornaments and other valuable articles are in possession of accused persons and same is valued Rs.15 Lacs. Said articles had not been delivered to her. She was forced to go her parents home. But her parents sent her back to matrimonial home. She is in possession of recordings to

this effect. Her husband is medically unfit. In order to conceal his weakness, she has been harassed. Applicant/ accused is mother-in-law.

5. Facts of the present FIR reveals that reason for strained relations between complainant and her husband is some physical weakness of her husband and for this reason she is sleeping out side the room. It has been vehemently argued that due to some misunderstandings between husband and wife impugned FIR for matrimonial offence has been lodged. Which will be ascertained during investigation. Arrest of applicant/ accused was stayed and she was directed to join the investigation. I.O. HC Surjit Singh came present in the Court and suffered statement that “applicant Kamlesh Kumari has joined the investigation . Her custodial interrogation is no more required and same stands completed. Thus, custodial interrogation stands completed”.

6. In view of above statement of I.O., custodial interrogation of the applicant/ accused is no more required. Recovery of unrecovered dowry articles is not a only ground to be considered for adjudication of dowry bail application. In the present case custodial interrogation no more needed as disclosed by I.O. Accordingly present application stands allowed, subject to the conditions envisaged u/s 438(2) Cr.P.C. and subject to the conditions that;-

- i) applicant shall make herself available for investigation by a police officer as and when required.
- ii) applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the

accusations against her so as to dissuade her from disclosing such facts to the court or to any police officer.

- iii) applicant shall not leave India without the previous permission of the court.

The file of bail application be consigned to the record room.

Pronounced.

Dated: 12.02.2018.

..Avinash

(Jagdeep Sood)
Addl. Sessions Judge,
Mansa PB0169.