

Application under Section 438 of the Criminal Procedure Code, 1973 before the High Court

IN THE HIGH COURT OF
BLAPL No. of

Code No

IN THE MATTER OF:

An application under Section 438 of the Code of Criminal Procedure, 1973.

And

IN THE MATTER OF:

1. (Name and address of the petitioner)
2. (Name and address of the petitioner)

... Petitioners

Versus

State of

...

Opp. Parties

The matter out of which this bail application arises was never before this Hon'ble Court in any form whatsoever as per the instructions of the petitioners.

To

The Hon'ble Shri..... the Hon'ble Chief Justice of the High Court of
..... and his Lordship's Companion Justices of the said Hon'ble Court.

The humble petition of
the above named petitioner.

MOST RESPECTFULLY SHEWETH:

1. That the petitioners have been falsely implicated in P.S. Case No..... .. dated..... corresponding to G.R. Case No...../..... pending in the Court of Hon'ble J.M.F.C in the district of.....under Section 498-A / 34, IPC, and Section 4 of the Dowry Prohibition Act.

2. That the FIR story reveals that the informant Smt..... got married with Sri..... S/o resident of P.S in the district of.....as per the Hindu custom on..... As per the demand of the accused persons, informants' father gave Rs. gold and silver ornaments and other household articles as dowry. After a few months of the marriage the accused persons again demanded Rs.....and But the father of the informant was not able to pay the same due to financial problem. It is further alleged that she was tortured both physically and mentally and was threatened by the accused persons if the said amount will not be paid she will be divorced. On the accused persons assaulted the informant and were making arrangements to kill her by pouring kerosene oil on her person. Out of fear she fled away to her parents' house on same day.

3. That the case of the petitioners is that the allegation in the FIR and statement recorded under Section 161, Cr. PC are false and concocted. The informant's husband is in fact working in Delhi in a private company and both the informant and her husband were staying in Delhi after marriage. Few days back the informant went to her parents' house and staying there till date. All on a sudden on, the informant came with local police and arrested her father-in-law and mother-in-law and the informant took away all her utensils and other articles brought by her as presentation at the time of marriage with the help of local police.

4. That the petitioners are brother-in-law and sister-in-law of the informant. They are living separately all throughout since There is absolutely no allegation of dowry demand and torture against these petitioners in the FIR. There is absolutely no cause of action of lodging the FIR against these petitioners since they are living peacefully in a separate mess since

A true copy of the FIR dt. is filed herewith as ANNEXURE-1.

5. The offence under Section 498-A/34, IPC and Section-4 of the Dowry Prohibition Act has not been made out against the petitioners. That the petitioners are law-abiding citizens with no criminal antecedents. Both the petitioners are husband and wife and residents of Village..... There is no chance of their going outside as they are maintaining their livelihood peacefully by daily labour in the locality and there is no chance of tampering of the evidence of the case.

6. That the petitioners have two minor daughters and one minor son and the petitioner No. 1 is the sole earning member of his family and working as a carpenter in the town.

7. That it is pertinent to mention here that the other co-accused persons have already been released on bail by the Court below. The petitioners undertake to abide by any terms and conditions as may be imposed by this Hon'ble Court in the event of their bail application is allowed and they assure to cooperate with the police during enquiry.

PRAYER

On the aforesaid facts and circumstances, this Hon'ble Court may graciously be pleased to -

(i) direct/order that the petitioners shall not be arrested in P.S. Case No..... corresponding to G.R. Case No..... pending in the Court of J.M.F.C..... and in the event of their arrest, they shall be released on bail on such terms and conditions as may be imposed by this Hon'ble Court,

(ii) pass such other orders/directions, as this Hon'ble Court may deem fit and proper in the interest of justice,

And for this act of kindness, the petitioners as in duty bound shall ever pray.

By the petitioners through,

Place.....

Date.....

ADVOCATE

AFFIDAVIT

I, aged about.....years, S/o.....
At/P.O.....Via.....P.S..... Dist..... do hereby
solemnly affirm and state as follows :

1. That I am the petitioner No. 1 in the above noted case and I am looking after the case on behalf of petitioner No. 2 who is my wife being duly authorized by her.
2. That the facts stated above are true to the best of my knowledge and belief.

Identified by:

DEPONENT

ADVOCATE

CERTIFICATE

Certified that due to non-availability of cartridge papers, this petition has been typed in thick blue papers.

ADVOCATE

Certified that the contents of the Bail Application have been read over and explained to the petitioners in their mother tongue and that they have understood the same.

ADVOCATE