

## IN THE HIGH COURT OF MANIPUR AT IMPHAL

### BAIL. APPLN. No. 20 of 2023

Laishram (N) Thiyam (O) Sarita Devi aged about 38 years W/o Th. Binodkumar Singh of Tera Lukram Leirak P.O. & P.S. Imphal, Imphal West District, Manipur.

***... Petitioner***

- Versus -

1. The Officer-in-charge of Imphal Police Station, Imphal West, Manipur.
2. R.K. Jiteshwori W/o Leimapokpam Jagadish of Segaroad Konjeng Hajari Leikai, Imphal West.

***... Respondents***

### B E F O R E

#### HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

|                                     |   |                                                                                                                      |
|-------------------------------------|---|----------------------------------------------------------------------------------------------------------------------|
| For the petitioner                  | : | Mr. Dayali Elangbam, Advocate.                                                                                       |
| For the respondents                 | : | Mr. Y. Ashang, PP for State respondent No. 1; and<br>Mr. Ajoy Pebam, legal aid counsel for private respondent No. 2. |
| <b>Date of Hearing</b>              | : | <b>21.09.2023</b>                                                                                                    |
| <b>Date of Judgment &amp; Order</b> | : | <b>27.09.2023</b>                                                                                                    |

## **JUDGMENT & ORDER (CAV)**

**[1]** Heard Mr. Dayali Elangbam, learned counsel for the petitioner; Mr. Y. Ashang, learned PP for the State; and Mr. Ajoy Pebam, learned legal aid counsel for private respondent No. 2.

**[2]** The petitioner approached this Court under the provisions of Section 439 Cr.P.C. praying to release her on bail in connection with F.I.R. No. 125 (04) 2023, IPS U/S 304-B/306/498-A(a)/34 IPC. In the F.I.R., she is one of the accused. Her earlier bail applications being Cril.Misc.(B) Case Nos. 62,63 & 64 of 2023 were rejected by learned Chief Judicial Magistrate, Imphal West, Manipur. After which the present petitioner along with accused No. 1 & 2 filed another bail application being Cril. Misc. (Bail) Case No. 99 of 2023 before the Ld. Session Judge, Imphal West, Manipur and the said bail application was also rejected by the Ld. Session Judge, Imphal West, Manipur vide order dated 05.07.2023 while the accused No. 2 i.e. Laishram Bhumika Devi was released on bail.

**[3]** Brief facts of the present case is that the present petitioner/accused person is a sole bread earner of the family, having two minor children one 9 year old daughter and 7 years old son, by running a nonprofit base Residential Boarding at her own residence, specially for about 40 down trodden students residing mostly at the remote areas. On 21.04.2023 in the afternoon the petitioner went to the Shija Hospital Langol to discharge her mother (Achoubi) along with her younger brother Rocky. When they returned from the Shija Hospital, her mother asked to separate Rocky and her sister-in-law Bidya (deceased) since Rocky and Bidya indulged in frequent fights

where Bidya mostly screamed and shouted and that Rocky and Bidya had very low compatibility and they were very toxic to each other. Bidya(deceased) even ran out of the house shouting and screaming every time they quarrel. Such behavior is shameful in the society as well as locality. Then, the petitioner advised her Father to refrain from further tension in the family and requested her Father to let Rocky and his wife Bidya to have a separate kitchen of their own. The petitioner was of the opinion for separate kitchen of the deceased and her husband for peaceful living in future. Thereafter, Bidya strangled Bhumika (Accused No. 2) by holding her neck so tightly that she could not free hands from Bidya's hold, hence, the petitioner bit the hand of the deceased women and because of that bite only, Bidya could stop the strangulation. The quarrel lasted for a few hours and there were many physical fights and verbal accusations. The petitioner's sister Omita (Accused No. 1) also came and joined the fight and the situation became tense thereafter. However, the petitioner never instigated nor force her to commit suicide. On 22.04.2023, the petitioner was called upon by the Imphal Police Station in connection with FIR No. 125 (4) 2023, IPS U/S 304-B/306/498-A(a)/34 IPC. As of which the petitioner along with her elder sister namely, Laishram Omita Devi went to Imphal Police Station on the same day at around 4 pm but unfortunately and surprisingly they were arrested in connection with the referred FIR case at the station.

**[4]** From the investigation so far made by the I.O., it appears that the deceased had frequent fights with her husband and there were fights between the deceased and sisters-in-law just a day before. There appears to have instances of the involvement of these accused persons in the family affairs of the deceased. Whether

the acts/conduct of the accused persons namely Laishram Omita Devi & Laishram (N) Thiyam (O) Sarita Devi created such circumstances, inciting or aiding the victim in the commitment of the suicide, is under investigation and at the present stage of the investigation, it would not be proper to spell out all these things on merit. But it is to say, on the available materials on record, that it cannot be ruled out outright that there are no materials to prima facie to presume the abatement of suicide of the deceased by the acts of these accused person. It is submitted that the petitioner is in custody for more than 5 months and her further detention is not required as all formalities have been completed. It is prayed that the petitioner be released on bail on such conditions as may be imposed by this Court.

**[5]** Mr. Y. Ashang, Id. PP has submitted that the Courts below have rejected the bail applications of the petitioners as there were sufficient materials against her for abetting suicide by the deceased. It is stated that if the petitioner is released on bail at this crucial stage, she may influence the investigation. It is prayed that the bail application be rejected as the allegations against the petitioner is a serious one involving crime against woman.

**[6]** Learned counsel for the private respondent has submitted that the present petitioner is the main person who compelled the deceased to commit suicide due to her interference in the matrimonial dispute between husband and wife. It is stated that releasing her on bail at this stage will hamper the investigation. It is pointed out that no sufficient documents have been enclosed to warrant consideration of bail on medical ground. It is prayed that bail application be rejected.

**[7]** This Court has considered the materials on record and the submissions made at bar. It is clear from the documents on record that there were fights between the deceased and the accused persons including her husband. There have been instances of mutual fights between the petitioner and the deceased. However, the question as to whether such fights would amount to abetting suicide by the deceased, have not clearly been disclosed from the investigation done at this stage. This Court is of the opinion that such question has to be decided during the trial on the basis of evidence and the same cannot be ascertained at the stage of deciding a bail application. No doubt, the present case is a crime against woman. However, this Court cannot be unmindful to the other factors such as: non-completion of investigation even after 5 months of registration of FIR, minor children without affection and care of mother, other female accused already released on bail, etc.

**[8]** Considering all these facts into consideration, this Court is inclined to grant bail to the petitioner. Accordingly, it is directed that the petitioner be released on bail on PR bond of Rs. 50,000/- with a surety (government employee) of like amount to the satisfaction of the learned Chief Judicial Magistrate, Imphal West on the condition that:

(i) The petitioner shall co-operate with the investigation;

(ii) The petitioner shall not influence with any person acquainted with the facts and circumstances of the present case;

(iii) The petitioner shall not leave station without the leave of this Court;

and

(iv) If any of the conditions is violated, the respondent may approach this Court for cancellation of the bail.

**[9]** With these observations and directions, the bail application is allowed and disposed of. Send a copy of this order to learned CJM, Imphal West for information.

**JUDGE**

**FR/NFR**

*Indrajeet*