

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C(A) No. 1150 of 2015

Smt. Nandani Bairagi W/o. late Baban Das Bairagi, aged about 60 years, Occupation house wife, R/o. Ward No. 9, Beharapara, Dharamjaigarh District Raigarh (C.G.)

----Applicant

Versus

State of Chhattisgarh Through Station House Officer, P.S. Dharamjaigarh, District- Raigarh, (C.G.)

---- Respondent

For Applicant :- Mr. Shrawan Kumar Chandel, Advocate
For Respondent/State :- Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 259/2015, registered at Police Station –Dharamjaigarh, District – Raigarh (C.G.) for offence punishable under Sections 304- B/ 34 of IPC.
2. As per the prosecution case, in short, the marriage of the deceased Sunita Bairagi was performed with son of the applicant on 20.06.2014. Thereafter, she was subjected to torture for demand of dowry of Rs. 5,000/- and one motorcycle was made. Subsequently, because of torture for demand of dowry the deceased committed suicide on 30.08.2015 by hanging herself.
3. Counsel for the applicant submits that the applicant is innocent and she has been falsely implicated in this case. He further submits that in the suicidal note it is categorically stated that she of her own instance committed suicide and no one is responsible for the same. He further submits that applicant is 60 years old lady; therefore, she may be

enlarged on anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Perusal of the case diary would show that on the direction of suicidal note, State counsel has submitted his report, wherein the offence has not been attributed by the applicant. Further, the statement of the mother of the deceased perused wherein no direct allegation has been made against this applicant and it is stated that the assault may have been caused by Shashi (son-in-law of the applicant), thereafter, the deceased would have been committed suicide, Therefore, this Court is of the opinion that it is a fit case where the applicant can be extended the benefit of anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

Santosh