

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.794 of 2015

Rajeshwari Thakur D/o Narottam Singh Thakur Aged About 30 Years Head Constable No. 89, Police Station - Bodla, R/o Thakurpara, Kawardha, Civil & Revenue District - Kabirdham (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through : District Magistrate, Kabirdham, District - Kabirdham (Chhattisgarh).
2. Govind Prasad S/o Late Shiv Sagar Sahu Aged About 56 Years R/o Urla, Ward No. 56, Post - Mohan Nagar, Police Station - Pulgaon, Civil And Revenue District - Durg (Chhattisgarh).

---- Respondent

For Petitioner	:	Shri Dharmesh Shrivastava, Advocate
For Respondent No.1:		Shri Vinod Tekam, Panel lawyer
For Respondent No.2:		Shri Mahendra Dubey, Advocate

Order On Board

05/10/2015

The applicant has preferred this application under Section 438 of Cr.P.C., apprehending her arrest in connection with Complaint Case No.296/2015, registered by the Judicial Magistrate First Class, Pandariya, District Kabirdham for alleged commission of offence under Sections 306 of IPC.

2. Case of the complainant is that when son of the complainant was married to one Khileshwari, the applicant started harassing his son alleging that his son had an affair with her and therefore, he was not justified in marrying with another girl. It is alleged that time and again, the applicant harassing and threatening the deceased-Hullas that she will get him falsely implicated on the allegation that she became pregnant due to relations with the deceased and report to this effect would be made to the Superintendent of Police. It is the case of complainant that because of such

threatening and false accusation, the deceased committed suicide.

3. Learned counsel for the applicant submits that from the complaint and preliminary statements recorded, if the same is taken on its face value, it reflected that the applicant and the deceased had an affair and when the deceased married with another girl, the applicant was not happy and time and again, she was making accusation against the deceased. He submits that even if the allegation of complainant is accepted, it does not satisfy the essential ingredients of abetment under Section 107 of IPC.

4. On the other hand, learned State counsel submits that it was because of the repeated harassment and threats given by the applicant for false accusation, the deceased committed suicide and therefore, prima facie, it would be a case of instigation.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

- (I) she shall make herself available for interrogation by a police officer as and when required;
- (ii) she 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 from disclosing such facts to the Court or to any police officer, *and*
- (iii) she shall cooperate with the investigation as and when she is called.

Sd/-
Manindra Mohan Shrivastava
Judge

Tumane