

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4790 of 2015**

- Smt. Biraspati Bai, wife of Ramsufal Manjhi, aged about 30 years, resident of Village- Aankdih, Police Station-Masturi, District -Bilaspur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh, Through:Station House Officer, Police Station Masturi, District – Bilaspur (C.G.)

---- Non-applicant

For Applicant: Mr. Devesh Chandra Verma, Advocate.

For Non-applicant/State: Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No. 247/2015 registered at Police Station Masturi, District Bilaspur for the offence punishable under Section 306/34 of the Indian Penal Code.

(2) Case on the prosecution, in brief, is that the marriage between Ramsufal Manjhi and deceased was solemnized 20 years prior to the incident and since there was no issue with deceased Ashabai (first wife of Ramsufal Manjhi) the said Ramsufal Manjhi had married with the applicant 7 years back and has two children with her. According to the prosecution, it is alleged that applicant herein along with her husband Ramsufal Manjhi instigated deceased Ashabai to commit suicide and on account of humiliation & frustration, she committed suicide.

(3) Shri Devesh Chandra Verma, counsel for the applicant submits that applicant has been falsely implicated in the offence in question as the applicant has not abetted or instigated the deceased Ashabai for committing suicide. He is innocent and has been falsely implicated in the crime in question and the similarly situated co-accused – Ramsufal Manjhi has already been granted anticipatory bail by this Court vide order dated 30.09.2015 in M.Cr.C.(A) No. 925/2015, therefore, he may also be released on bail.

(4) On the other hand, learned counsel appearing for the State opposes the bail application.

(5) Taking into consideration the facts and circumstances of the case, and further considering the extent of proximity and nexus between the conduct and behaviour of accused person with suicide committed by the deceased; further considering the fact that similarly situated co-accused has already been granted anticipatory bail by this Court in M.Cr.C. (A) No. 925/2015 and the applicant is in jail since 24.08.2015, this Court is of the opinion that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to 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/-
(Sanjay K. Agrawal)

Judge

D/-