

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 103 of 2016

1. Kapil Chandrakar S/o Shri Badri Prasad Chadrakar, Aged About 69 Years, R/o Village Rapa, Tahsil Padariya, Police Station Kunda, Civil and Revenue District Kabirdham (C.G.)
2. Virendra Chandrakar S/o Shri Kapil Chandrakar, Aged About 41 Years, R/o Purana Meena Bazar Mungeli Naka, Bilaspur, Police Station Civil Lines Bilaspur, Tahsil, Civil and Revenue District Bilaspur (C.G.)
3. Smt. Rani Bai W/o Shri Virendra Chandrakar, Aged About 26 Years R/o Purana Meena Bazar Mungeli Naka Bilaspur, Police Station Civil Lines Bilaspur, Tahsil, Civil and Revenue District Bilaspur (C.G.)
4. Ku. Chandrekha D/o Shri Kapil Chandrakar, Aged About 27 Years, R/o Village Rapa, Tahsil Pandariya, Police Station Kunda, Civil and Revenue District Kabirdham (C.G.)

---- Applicants

Versus

State Of Chhattisgarh Acting Through Officer-In-Charge Police Station Kunda, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. K.A. Ansari, Sr. Advocate along-with Mr. Ramesh Nayak and Mr. A.K. Yadav, Advocates
For Respondent/ State	:-	Mr. Gray Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17/02/2016

1. Apprehending arrest in connection with the Crime No. 11/2016, registered at Police Station Kunda, District – Kabirdham (C.G.) for the offence punishable under section 306/34 of Indian Penal Code. The applicants have filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the deceased Usha Chandar was married to one Mahaveer Chandrakar 16-17 years back and she set

herself a blaze on 26.06.2015 and was admitted to the hospital and was treated and thereafter succumbed to the injury on 17.07.2015. It is the case of the prosecution that the applicants the father in law, brother in law and sister in law have abetted the deceased to commit suicide, consequently the deceased committed suicide. Thereby, the offence is committed.

3. Learned Sr. Counsel Mr. K.A. Ansari, assisted by Mr. Ramesh Nayak, Advocate would submit that the deceased was admitted to hospital for 14 days and she was in conscious state, however, no statement before the Magistrate was recorded like nature of dying declaration. It is further contended that the deceased was married to one Mahaveer Chandrakar and after partition of Mahaveer with his father he was residing separately and the deceased was also with her residing separately from that of the applicant. He further submits that the applicant No. 1 (Kapil Chandrakar) resides in village Kapa, Police Station – Kunda, District Kabirdham, applicant No. 2 & 3(Virendra Chandrakar and Smt. Rani Bai) are residing at Bilaspur and the Applicant No. 4 (Ku. Chandrekha) is residing with her father at different place. He further referred to the documents filed along-with this bail application and would submit that the father-in-law of the deceased residing separately which would be evident from the documents of partition. He further contended that the deceased was suffering from schizophrenia and the deceased had two daughters and one son. He further submits that degree of allegations have not been attributed to these applicants and therefore, the applicants may be given the benefit of anticipatory bail.

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

5. Perusal of the statement of the father of the deceased Revaram Chandrakar immediately after death of his daughter the deceased used to be in the state of gloominess and shock after her son died in snake bite a year

before and further the statement of the witnesses would show that the deceased was suffering from schizophrenia and had mental problem which is also stated by the daughter of the deceased. Considering the statement of witness and considering the facts collectively, this Court is of the opinion that the present is the fit case, the applicants should be enlarged on anticipatory bail.

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

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE