

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 111 /2016

Saibani @ Lavanya, W/o. Shri Dashrath, Aged About 55 Years, By Caste Benayat, R/o. Haldivadi, Chirmiri, P.S. Chirmiri, Distt. Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Chirmiri, District Korea, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/02/2016

1. Apprehending arrest in connection with Crime No.438/2015 registered at Police Station- Chirmiri, District Korea (C.G.) for the offence punishable under Section 304-B of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. According to the case of the prosecution, the deceased Kamini was married to the son of the applicant namely Krishna on 29.04.2015, thereafter, she was subjected to torture and she committed suicide by hanging on 15.11.2015.
3. Learned counsel for the applicant submits that prior two months of the date of incident, the deceased was residing at her maternal home as her husband got the job at the NTPC. It is further submitted that the applicant has not abetted the deceased and because of her volition, the deceased committed suicide as she was not able to conceive, therefore, the applicant may be given the benefit of anticipatory bail as no allegation can be attributed to this applicant.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement of the mother & father of the deceased immediately after the incident on 16.11.2015. Primarily, it appears that there was some difference as the deceased was not able to conceive. Taking into such statement and the fact that the applicant and the deceased was residing separately as the deceased was residing at her maternal home two months prior from the date of incident and considering the fact that the applicant is a lady, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. 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 her on furnishing a personal bond to a sum of Rs.25,000/- with one 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) that 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