

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 441 of 2016

1. Falibai, W/o. Mayaram, aged about 65 years, R/o. Village- Mohtara, Kurmi, Police Station Lalpur, Tahsil – Lormi, District-Mungeli (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Lalpur, District – Mungeli (C.G.)

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/05/2016

1. Apprehending arrest in connection with Crime No.47/2016 registered at Police Station- Lalpur, District – Mungeli (C.G.), for offence punishable under Section 306 read with Section 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the son of the applicant Ashok Kashyap was married to the deceased, Deep Kumari six years back, however, after marriage, she was subjected to torture. Thereafter she committed suicide by consuming poison and as she was abetted to commit suicide by applicant and others. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant is the mother in law of the deceased and is living separately with that of the deceased and son and she has been falsely implicated in this

case. He further submits that the applicant is paralyzed and bedridden due to paralysis. He further submits that no objection has been given by the police to the applicant to grant bail, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of anticipatory bail.
5. Perused the case diary and the statement of the Kashiram, the father of the deceased, wherein it is stated that on 01.03.2016 there has been some dispute occurred in between the deceased and her husband. Taking into such fact and the fact that the applicant is lady aged about 65 years and she is unable to move, I am inclined to extend benefit of anticipatory bail to the applicant.
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 her on executing a personal bond in 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