

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1228 of 2015

Kumari Bai W/o Chatrapati Tiwari, Aged About 63 Years R/o Village
Nareshpur, P. S. & District - Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : S. H. O. - Surajpur, District -
Surajpur, Chhattisgarh

---- Respondent

For applicant – Shri Hemant Gupta, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 304 of 2015, registered at Police Station Surajpur for offence punishable under Section 306/34 of IPC.
2. As per the prosecution case one Ranu Tiwari committed suicide by burning on 1/07/2015 as she was subjected to torture by this applicant mother-in-law and her brother-in-law as they used to torture and tried to clamp charges over the character of the deceased. Subsequently, the investigation was made and it came to notice that applicant has committed the crime.
3. Learned counsel for the applicant submits that deceased was suffering with epilepsy and because of that she herself has committed suicide and applicant has not abetted the deceased to commit suicide. He submits that statement of Sakun Tiwari and Narmada Prasad would reveal the fact that before death deceased has stated that she do not want to survive and thereafter she died. No allegations have been clamped over the applicant, therefore the applicant may be granted benefit of

anticipatory bail.

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

5. I have perused the case diary and the statement. Statement would reveal that deceased was suffering with epilepsy. Taking into documents and the evidence available against this applicant, 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 local 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) 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

