

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1350 of 2015

1. Daduram Nayak S/o Late Sonuram Nayak Aged About 57 Years R/o Nagar Panchayat Tumgaon (Bhatapara), P.S. Tumgaon, Distt. Mahasamund, Chhattisgarh.
2. Smt. Uma Nayak W/o Daduram Nayak Aged About 53 Years R/o Nagar Panchayat Tumgaon (Bhatapara), P.S. Tumgaon, Distt. Mahasamund, Chhattisgarh.
3. Smt. Meera Devi Nayak W/o Narendra Nayak Aged About 27 Years R/o Village Manikchouri, P.S. Pachpedi, Distt. Bilaspur, Chhattisgarh.

--- Petitioners

Versus

- State of Chhattisgarh Through The Police Station Tumgaon, Distt. Mahasamund, Chhattisgarh.

--- Respondent

For the applicants : Mr. Shivang Dubey, Advocate.

For the Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.02.2016

1. Apprehending arrest in connection with Crime No. 70 of 2014 registered at Police Station Tumgaon, Distt. Mahasamund, for the offences punishable under Sections 304-B/34 IPC, the applicants have filed this application under Section 438 Cr.P.C.
2. As per the prosecution case, deceased Bindu Nayak committed suicide on 21.04.2014. She was married to Anand Babu Nayak, son of Applicants 1 & 2 namely Daduram Nayak and Smt. Uma Nayak on 12.06.2012 and out of the wedlock, a child was borne and subsequently she committed suicide, therefore, the offence is registered.
3. Learned counsel for the applicants submits that applicants 1 & 2 are father-in-law and mother-in-law and applicant no.3 is sister-in-law who have been falsely implicated as the suicidal note which is being

relied on by the prosecution do not level any allegations against the applicants. He further submits that in M.Cr.C.No. 7201 of 2015, this Court has enlarged the husband of the deceased Anand Babu Nayak on regular bail on 12.01.2016 on the basis of the said suicidal note.

4. Per contra, learned State Counsel opposes the bail application.
5. Taking into the contents of the suicidal note and the contents of the case diary statements as also taking into allegations which are general in nature, without any observation on merits of the case, I am incline to release the applicants on anticipatory bail.
6. Accordingly, the 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 surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-
 - (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that they 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 any police officer;
 - (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE