

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1363 of 2015

1. Smt. Laxmi Bai Patker, aged about 55 years, W/o. Shri Shiv Kumar Patker,
2. Shiv Kumar Patker, aged about 60 years, S/o. Late Bisauha Lal Patker,
3. Smt. Pallavi Patker, aged about 28 years, W/o. Shri Chandra Shekhar Patker,
All R/o. Kankalin Para, Ward No.13, Simga, P.S. Simga, District – Baloda Bazar-Bhatapara (C.G.)
4. Kumari Arti @ Mamta Patker, aged about 22 years, D/o. Shri Dinesh Kumar Patker, R/o. Karmchari Colony, Simga, District – Baloda Bazar-Bhatapara (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Simga, District – Baloda Bazar-Bhatapara (C.G.)

---- Respondent

For Applicants	: Mr. Y.C. Sharma, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/02/2016

1. Apprehending arrest in connection with Crime No.401/2015 registered at Police Station- Simga, District – Balodabazar-Bhatapara (C.G.), for offence punishable under Section 498-A, 304B, 306, 34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 28.10.2015, Rajni Patker, W/o. Devendra Patker committed suicide by hanging. It was the case of the prosecution that deceased was subjected to torture for demand of dowry by the applicant No.1, Smt. Laxmi Bai, mother-in-law, applicant No.2, Shiv Kumar Patker, father-in-law, applicant No.3, Smt. Pallavi Patker, sister-in-law and also Ku. Aarti, the applicant

No.4, who was also sister-in-law of the deceased. It was further case of the prosecution that the deceased, Rajni Patker was married to Devendra Patker and her sister Khusbu was married to Durgesh Patekar and they were subjected to torture by demand of dowry and harassing the deceased, consequently, the deceased, Rajni committed suicide by hanging on 28.10.2015.

3. Learned counsel for the applicants would submit that dispute arose because of the allegation that Devendra has illicit relation with Pallavi Patker, who is the wife of Chandrasekhar Patker, elder brother, therefore, the dispute arose and consequently Rajni committed suicide. He would further submit that there is no demand of dowry for which she was subjected to torture, consequently committed suicide. He would further submit that general allegations have been attributed against the applicants, and they have been falsely implicated in this case, therefore, he prays that the applicants may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the bail application and read out the statement of the Khusbu, who is the wife of the Durgesh Patker, and would submit that as per the statement, the deceased was subjected to torture for demand of dowry, therefore, the applicants may not be released on anticipatory bail.
5. Perused the case diary and the morgue statement of Khusbu, who is the sister of the deceased on 28.10.2015 and also the subsequent statement of Khusbu and further morgue statement of Kapil Namdeo and Savitri Namdeo, which was recorded on 01.11.2015. In all these statements, prima-facie appears that no allegation for demand of dowry was made though other allegations have been attributed of family dispute and allegation of some assault are on Devendra, the husband. Considering the fact that

Durgesh and Devendra, the husband have already been arrested and taking into the statement of the sister of the deceased as also the mother and father and taking into the degree of allegation levelled against these applicants, no custodial interrogation may be required in this case, therefore, this Court is inclined to extend the benefit of anticipatory bail to the applicants.

6. 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 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 him/her 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) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge