

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 205 of 2016

1. Nepal Pradhan S/o Shiva Pradhan, Aged About 28 Years, Occupation - Agricultural, R/o Village Kuturapali, Police Station - Ambabhouna, Tahsil - Bhathli, Distt. Bargarh (Orissa)
2. Shiva Pradhan S/o Damodar Pradhan, Aged About 52 Years, Occupation - Agricultural, R/o Village Kuturapali, Police Station - Ambabhouna, Tahsil - Bhathli, Distt. Bargarh (Orissa)
3. Smt. Malti Pradhan, W/o Shiva Pradhan, Aged About 50 Years, Occupation - House Wife, R/o Village Kuturapali, Police Station - Ambabhouna, Tahsil - Bhathli, Distt. Bargarh (Orissa)
4. Smt. Babbi @ Jayanti Pradhan, W/o Gopal Pradhan, Aged About 25 Years Occupation - House Wife, R/o Village Kuturapali, Police Station - Ambabhouna, Tahsil - Bhathli, Distt. Bargarh (Orissa)
5. Damru Pradhan S/o Damodar Pradhan Aged About 58 Years Occupation - Agricultural, R/o Village Kuturapali, Police Station - Ambabhouna, Tahsil - Bhathli, Distt. Bargarh (Orissa)
6. Arjun Pradhan S/o Damodar Pradhan Aged About 48 Years Occupation - Agricultural, R/o Village Kuturapali, Police Station - Ambabhouna, Tahsil - Bhathli, Distt. Bargarh (Orissa)

---- Applicants

Versus

State Of Chhattisgarh Through , Station House Officer, P.S. -
Sariya, Distt. Raigarh Chhattisgarh

---- Respondent

For Applicants	:-	Ms. Indira Tripathi, Advocate
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09/03/2016

1. Apprehending arrest in connection with Crime No 19/2016 registered at Police Station- Sariya, District Raigarh (C.G.) for the offence punishable under section 306,34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.

2. As per the prosecution case, in brief, the deceased Devhuti Pradhan was married to Applicant No.1 Nepal Pradhan on 14.07.2014

thereafter she was abetted to commit suicide and she set herself ablaze on 21.01.2016 at about 8.30 A.M. at her maternal home. It is the case of the prosecution that a day prior to such incident the husband Nepal Pradhan and Malti Pradhan mother in law went to the deceased and on that day there were some conversation between them and the deceased tried to kill herself, however, she was saved on that day, subsequently, on the next day she burnt herself alive and sustained severe burn injury, eventually she died.

3. Counsel for the applicants submits that the incident happened in maternal home of the deceased wherein she was living prior to one month the day of incident. She further submits that the deceased was suffering from sickling as such of her own committed suicide and the applicants have not abetted the deceased to commit suicide, therefore, the applicants may be given the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perusal of the case diary and also the statement of Bodhram the father of the deceased as also the statement of Safed Pradhan the mother of the deceased. Taking into such statement and the case diary and the way the incident happened, this Court is of the opinion that the present is the fit case, where the applicants should be enlarged on anticipatory bail.

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 local surety each in the like sum to the satisfaction of the concerned

Investigating Officer. The applicant 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 them 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) 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.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh