NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 339 of 2016

Koshal Kumar, S/o Sukhit Ram Sahu, Aged About 30 Years, R/o Village Nawagaon, Post- Dhorabhata, Police Station Magarload, Civil & Revenue District Dhamtari, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through : Station House Officer, Police Station Magarload, Civil & Revenue District Dhamtari, Chhattisgarh

---- Respondent

For Applicant	:-	Mr. P.P.Sahu, Advocate
For Respondent/State	:-	Mr. Sumit Jhanwar, Panel Lawyer
For Objector	:-	Ms. Sunita Jain, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26/04/2016

1. Apprehending arrest in connection with Crime No 40/2016 registered at Police Station- Magarload, District Dhamtari (C.G.) for the offence punishable under sections 306 and 497 of the Indian Penal Code. The applicant has preferred this application for grant of anticipatory bail.

2. Prosecution case is that, the wife of the applicant namely Arti Sahu committed suicide by consuming poison on 08.02.2016. It is the case of the prosecution that the applicant being the husband had all the bad habits. The applicant abetted the wife to commit suicide and she was subjected to torture for demand of dowry by the husband therefore, she committed suicide for various reasons; thereby the offence has been committed.

3. Counsel for the applicant submits that before committing suicide, the deceased has written a suicidal note, wherein no allegations have been attributed to the applicant. He further submits that in the suicidal note, it is stated that she herself is responsible for suicide as she was feeling guilty as she had developed an illicit relationship with Dilip Bafana. He further submits that because of such reason, suicide was committed by the deceased, therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra, State counsel as well as the counsel for the objector opposes the prayer for grant of bail.

5. Perused the case diary and the statement of the mother Birmatbai, wherein it is stated that the deceased was subjected to torture by the applicant. The documents have been filed by the objector i.e. the opinion of hand writing expert, the said document, primafacie, the opinion of hand writing expert would go to show that the said suicidal note was not written by the deceased. Considering the fact and the statement of the mother of the deceased, it is not the case where the benefit of section 438 of Cr.P.C. can be extended to the applicant.

5. Accordingly, the anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh