

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 656 of 2016

- Smt. Shaila Singh W/O Raj Bahadur Singh Aged About 45 Years
R/O House No. 151, Ward No. 13, Rajiv Nagar, Azad Chowk,
Supela, Bhilai, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Newai, Bhilai, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-8-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending her arrest in connection with Crime No. 126 of 2016 registered at Police Station Newai, Bhilai, District Durg (CG) for offence punishable under Section 306 of IPC.
2. As per case of the prosecution, on 20-4-2016 wife of complainant namely Anupama Yadav along with family members consumed poison and ultimately she died on 23-4-2016. It is alleged that the applicant had advanced Rs.5 lakhs to complainant Naresh, husband of the deceased for which family members were being tortured and consequently she abetted the deceased to commit suicide.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the applicant had advanced money to the complainant Naresh and only conversation was that while he was not picking up his mobile, applicant sent a

message to his mobile that if he does not pick up his mobile phone then she would go to Police Station and make a complaint against him., therefore, the incident happened and the applicant has not abetted the deceased to commit suicide.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary, documents and also dying declaration in which no allegations of abetment have been made.
7. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the dying declaration of the deceased and without any observation on the merits of the case, I am inclined to extend benefit of anticipatory bail to the applicant.
8. 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 his executing a personal bond in the 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

Raju