

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1358 of 2015

1. Smt. Shraddha Vahne, D/o. Deepak Vahne, aged about 25 years, R/o. Sirgitti Bilaspur, Tehsil and District-Bilaspur (C.G.)
2. Deepak Vahne, S/o. Vasudev Vahne, aged about 61 years, (Tehsildar-Kanker), R/o. Sirgitti, Bilaspur, Tehsil and District – Bilaspur (C.G.)

---- Applicants

Versus

1. State of Chhattisgarh, Through : P.S.- Torwa, Bilaspur (Chhattisgarh)
2. Manharan Lal, S/o. Late Shri Chhedi Lal, aged about 40 years, R/o. Devridih, Bilaspur, P.S.-Torwa, Tehsil and District-Bilaspur (C.G.)

---- Respondents

For Applicants	:	Mr. Sourabh Dangi, Advocate
For State/Respondent No.1:	:	Mr. Sangharsh Pandey, Dy.G.A.
For Respondent No.2	:	Mr. Ravindra Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/03/2016

1. Apprehending arrest in connection with Complaint Case No.6001/2015, pending before J.M.F.C, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 306/34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, the applicant No.1, Smt. Shraddha Vahne was married to the deceased, Shivcharan on 15.05.2008. The applicant No.2, Deepak Vahane is the father-in-law of the deceased. It is the case of the prosecution that the deceased was subjected to abetment for commission of suicide by the applicants and the applicant No.1 being the wife has lodged frivolous cases against the deceased under Section 498A and 324

of I.P.C. and the deceased was not allowed to meet the children. Consequently, it lead to commission of suicide.

3. Learned counsel for the applicants would submit that the applicant No.1, Shraddha Vahane was married to the deceased, Shivcharan and they were blessed with a girl child. Subsequently, the relation between them became strange. He would further submit that the applicant No.1 was attacked and assaulted by blade for which a report was also made and the deceased was prosecuted under Section 498A and 324 of I.P.C. The counsel further submits that the deceased might have been more sensitive to the issues and reading of the entire suicidal note which is filed alongwith the objection will not lead to show that there was an abetment to commit suicide. Therefore, the counsel submits that the applicants may be extended the benefit of anticipatory bail.
4. Per contra, the learned counsel for the objector opposes the prayer for grant of anticipatory bail. He filed the extract of the some handwritten notes of the deceased and would submit that entire reason for commission of suicide is being attributed to this applicant. It is further submitted that after the case under Section 498A of I.P.C. was registered, the deceased was not allowed to meet the children which would be evident from the suicidal note, written by the deceased before his death. Therefore, the counsel prays that the applicants may not be extended the benefit of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the documents filed along-with the bail application would show that before the incident, the applicant No.1, wife was attacked by way of blade, whereby she sustained 8 incised severe wound.

Initially after the suicide was committed by the deceased on 25.07.2013, investigation was made by the police and the case was closed. Subsequently, a complaint was filed by the brother of the deceased and the instant case has been registered. Alongwith the objection, certain handwritten notes have been filed wherein reasons have been attributed and in one part the reasons have been attributed that the wife used to talk on phone without caring for her husband and the deceased was also not allowed to meet her children after the criminal case was registered. Reading the entire handwritten notes of the deceased, prima-facie, the alleged incident do not suggest the fact, which would fall within the ambit of abetment. Instigation has to be attracted and as a consequence thereof, the result should be attributed to attract the Section 306. Taking into the facts of the case, for the purpose of bail without any observation on merits, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C. to the applicants.

7. Accordingly, the anticipatory bail application is allowed.
8. 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 furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Trial Court. 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