

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.7456 of 2017

Shivkumari W/o Meluram Jaiswal, aged about 42 years, R/o Village - Fokatpara, Police Station-Kotwali Mungeli, Tahsil and District Mungeli (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - The Police Station Kotwali Mungeli, District Mungeli (C.G.).

---Respondent

For applicant : Shri G.P.Kurre, Advocate.

For resp./State : Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/12/2017

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.416/2017 registered at Police Station Mungeli (C.G.) for the offence punishable under Section 306, 34 of IPC.
2. Present applicant is in jail since 06/10/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have along with the co-accused person continuously threatened and harassed the deceased of physical assault and also killing the son of the deceased in pursuant to a land dispute within the family members and ultimately the deceased because of the

continuous threat and pressure put by the accused persons committed suicide on 28/07/2017 by hanging himself in his house.

4. The counsel for the applicant submits that, the ingredients required to make out an offence under Section 306 is totally missing in the prosecution case in as much as there is no instigation or abatement on part of the present applicant which lead to the deceased committing suicide and therefore prayed for releasing the applicant on bail.

5. The State counsel on contrary opposing the bail application referred to the statement of the witness examined which indicated that the present applicant and the co-accused person used to harassed, tortured and threatened the deceased which lead him to commit suicide. The counsel for the State also made his submission on the basis of the suicidal note found at the place of incident and prayed for rejecting the bail application.

6. Given the facts and circumstances of the case particularly the fact that, there does not appear to be any material showing abatement on part of the present applicant or there being any instigation or assault made by the present applicant which compelled the deceased to commit suicide.

7. Accordingly this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on her executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the

concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE