

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 1059 OF 2017

1. Girjanand, S/o Kaliram, aged about 63 years
2. Bisahin Bai, W/o Girjanand, aged about 58 years
Both are by caste Yadav, R/o Village Mudhali (wrongly written as Gudhali), Tahsil Katghora, District Korba (C.G.)

... Applicants

versus

State of Chhattisgarh, through the Station House Officer, Outpost Hardibazar, Police Station Kusmunda, District Korba (C.G.)

... Non-applicant

For Applicants	:	Mr. Rajat Agrawal, Advocate, under instructions of Mr. Vivek Singhal, Advocate.
For Non-applicant/State	:	Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/12/2017

1. The present is an application under Section 438 of CrPC seeking for grant of anticipatory bail to the Applicants who are apprehending their arrest in connection with Crime No.192/2017, registered at Police Outpost-Hardibazar, Police Station- Kusmunda, District- Korba, for the offence punishable under Sections 304-B of IPC.
2. As per the prosecution case, allegation against the Applicants is that the Applicants and other co-accused persons is said to have subjected the deceased to ill-treatment and cruelty which forced her to commit suicide by consuming poison on 27.9.2017.
3. Learned Counsel for the Applicants submits that the two Applicants are father-in-law and mother-in-law of the deceased and that there were residing separately and the deceased was married to their son on 16.6.2017 and in just about three months' time since she was not able to adjust herself at the matrimonial home she committed suicide by consuming poison. He further submits that there is no other allegation of overt-act or ill-treatment which led the deceased to commit suicide.

4. Learned Counsel for the State however opposes the anticipatory bail application.

5. Perusal of record would show that there are statements of the family members of the deceased which do not reflect any allegation to have been made against the Applicants who are father-in-law and mother-in-law of the deceased. Given the factual matrix of the case, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is ordered that in the event of arrest of the Applicant in connection with Crime No.192/2017, registered at Police Outpost-Hardibazar, Police Station- Kusmunda, District- Korba, for the offence punishable under Section 304-B of IPC, if each of them furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then they shall be released on bail on the following further conditions :

- (i) that the applicant shall make themselves available for interrogation before the concerned 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) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge