

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 380 of 2017**

Shrimati Mykibai W/o Shri Mahipat Sonwani, aged about 52 years, R/o Village Bargawa, Police Station Marwahi, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Police Station Marwahi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anand Mohan Tiwari, Advocate
For Respondent/State	:	Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/05/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending her arrest in connection with Crime No. 54/2017 registered at P.S. Marwahi, District Bilaspur (CG) for the offence punishable under Section 306, 34 of IPC.

The case as per the prosecution is that the deceased Rukhmanibai committed suicide on 23.03.2017 by hanging herself in her room. The allegation against the present applicant is that she along with her son subjected the deceased to ill-treatment and torture for long which led her to commit suicide.

Counsel for the applicant submits that so far as the present applicant is concerned, she is a lady and that there is no specific allegation of any overtact made by the applicant against the deceased except for the bald and omnibus allegation of ill-treatment and torture. He further submits that a perusal of the statement of the relatives of the deceased would reveal that the deceased took the extreme step of suicide on account of some alleged illicit affair that the husband of the deceased was having elsewhere.

State counsel, however, opposes the anticipatory bail application.

Having considered the contentions put forth on either side and on perusal of the case diary particularly the statement of the relatives of the deceased it reflects that the main allegation is of ill-treatment and torture by the husband of the deceased. So far as the present applicant is concerned, there is only general and omnibus allegation which has been made against the applicant. Thus, taking into consideration the total facts and circumstances of the case and also keeping in view the judgment of the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar and another** reported in **(2014) 8 SCC 273**, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000 with one surety in the like sum to the satisfaction of the Officer arresting her and she shall abide by all the following terms and conditions:

- (i) that the applicant shall make herself 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 her by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge