

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 16 OF 2017

Dr. Reeta Shabnam Luka, W/o Shri Jaikumar Gayakwad, aged about 50 years, Assistant Professor (Botany), Government Bilasa Girls Post Graduate College, Bilaspur, Civil & Revenue District Bilaspur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station- Civil Lines, District Bilaspur (C.G.)

... Non-applicant

For Applicant	:	Mr. Shailendra Dubey, Advocate.
For Non-applicant/State	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending her arrest in connection with Crime No. 801 of 2016, registered at Police Station- Civil Lines, District- Bilaspur, for the offence punishable under Section 306 of IPC.

2. Allegation against the Applicant is that she used to ill-treat and torture the deceased Anjali Tondon, on account of which the deceased is said to have committed suicide on the night of 16.11.2015 by hanging herself in the hostel where she was staying. As per the prosecution, the deceased Anjali Tondon while committing suicide has left a suicidal note wherein one line has been written as, that the present Applicant is responsible for her suicide.

3. However, Shri Dubey, learned Counsel for the Applicant, submits that perusal of the record would show that there is no allegation whatsoever or a corroborative piece of evidence collected during the course of investigation by which charge of suicide can be levelled against

the present Applicant. He further submitted that as per the information that he has received, even there is no incriminating statement of any of the roommates or other the hostel inmates who is said to have supported the case of the prosecution.

4. These facts are not disputed by the learned Counsel for the State. However, he opposes the bail application only on the basis of the statement of the father of the deceased, namely, Shyamlal Tondon, who has lodged the written report on 18.11.2015 and also on the suicidal note of the deceased.

5. Considering the total facts and circumstances of the case, particularly the nature of employment of the present Applicant and the fact that there is no direct allegation or evidence which has been collected during the course of investigation, this Court is of the opinion that a prima facie strong case for grant of anticipatory bail is made out.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 801 of 2016, registered at Police Station- Civil Lines, District- Bilaspur, for the offence punishable under Section 306 of IPC, if she 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 she shall be released on bail on the following further 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.

/sharad/

Sd/-
(P. Sam Koshy)
Judge