

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 21 OF 2017

1. Kartar Singh Chabra, S/o Late Shri Sewak Singh, aged 64 years
 2. Smt. Harbhajan Kaur, W/o Shri Kartar Singh, aged 53 years
 3. Indrajit Singh @ Bunt, S/o Shri Kartar Singh, aged 35 years
- All are R/o behind Gurudwara, Gurunanak Nagar, Ward No.13, Supela, Bhilai, Tahsil & District Durg (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station-Chhawani Bhilai, District Durg (C.G.)

... Non-applicant

For Applicants	:	Mr. Awadh Tripathi, Advocate.
For Non-applicant/State	:	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicants who are apprehending their arrest in connection with Crime No. 744 of 2016, registered at Police Station- Chawani Bhilai, District- Durg, for the offences punishable under Sections 306, 498-A/34 of IPC.
2. The present Applicants are father-in-law, mother-in-law and brother-in-law of the deceased Mandeep Kaur, respectively.
3. The case as per the prosecution is that the said Mandeep Kaur committed suicide on 5.12.2016, i.e., after about more than 10½ years of her married life. A written report was lodged by the mother of the deceased, namely, Smt. Gyan Kaur, on 9.12.2016, i.e., after 4-5 days from the date of incident. Based upon which, the police has registered a case and conducted investigation.

4. Learned Counsel for the Applicants submits that a bare perusal of the contents of the written report by itself would reveal that there are omnibus and general allegations against all the applicants-accused persons and that there is no specific allegation against each of the Applicants. He further submits that undisputedly the present Applicants were living separately from the deceased who along with her husband was staying separately. He next submits that the present Applicants have been falsely implicated in the present case by the family members of the deceased only with an intention of harassing the present Applicants.

5. Learned Counsel for the State however opposes the bail application and submits that there are allegations of ill-treatment, torture and cruelty on the part of the present Applicants made towards the deceased which forced her to take the extreme step of committing suicide. He refers to the written report filed by the mother of the deceased.

6. A bare perusal of the case diary and the contents of the written report would clearly reflect that the allegations which have been levelled against the present Applicants are all omnibus and there is no specific allegation against each of the Applicants. Moreover, the fact that the Applicants are residing separately also is not in dispute.

7. Considering the total facts and circumstances of the case and keeping in view the judgment of the Hon'ble Supreme Court in the case of **Arnesh Kumar v. State of Bihar & Another**, 2014 (8) SCC 273, this Court is of the opinion that a prima face strong case for grant of anticipatory bail is made out.

8. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicants in connection with Crime No. 744 of 2016, registered at Police Station—Chawni Bhilai, District- Durg, for the offences punishable under Sections

306, 498-A/34 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 applicants shall make themselves available for interrogation before the concerned 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.

/sharad/

Sd/-
(P. Sam Koshy)
Judge