

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No.383 of 2017**

1. Smt. Vimla Bai Kannouje W/o Shri Umendra Kannouje, Aged About 50 Years Caste Dhoubi, Occupation Labour, R/o Village Birkoni, Thana & Tahsil Mahasamund, Civil And Revenue District Mahasamund, Chhattisgarh
2. Rajaram Kannouje S/o Shri Umendra Kannouje, Aged About 25 Years Caste Dhoubi, Occupation Labour, R/o Village Birkoni, Thana & Tahsil Mahasamund, Civil And Revenue District Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Mahasamund, District Mahasamund, Chhattisgarh

---- Respondent

For Applicants	: Shri Sunil Sahu, Advocates
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.7.2017**

Heard the matter finally.

2. This application under Section 438 of Code of Criminal Procedure, 1973 (for short 'the Code') has been filed by the applicants apprehending their arrest in connection with Crime No.202/2017 registered at Police Station Mahasamund, Distt. Mahasamund (CG) for offence punishable under Section 306/34 of the Indian Penal Code.

3. It is submitted on behalf of the applicants that marriage of deceased Maneesha was solemnized with applicant No.2 Rajaram Kannouje on 21.4.2015. Applicant No.1 Smt. Vimla Bai Kannouje is the mother-in-law of the deceased. On 27.12.2015, the deceased

committed suicide by pouring kerosene and set her on ablaze. Thereafter merg was registered and ultimately crime has been registered accordingly. He further submits that applicant No.1 has not abetted the deceased to commit suicide and applicant No.2 has been falsely implicated in the offence. Hence, both the applicants may be granted anticipatory bail in the matter.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicants and would submit that in the present matter Section 113A of the Evidence Act, 1872 is applicable as within seven years of marriage, i.e. after about eight months of the marriage, on account of cruelty by the applicants, the deceased committed suicide.

5. Perused the entire material.

6. On due consideration of the entire material collected against the applicant, without commenting anything on its merits, I am not inclined to grant anticipatory bail to the applicants.

7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is hereby dismissed.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE