

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4347 of 2017

- Brij Bai W/o Sukhram Dewangan, Aged About 48 Years, R/o Village - Macheva, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Arang, Raipur, District Raipur, Chhattisgarh.

---- Non-applicant/Respondent

For Applicant – Smt. Fouzia Mirza, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-10-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant in connection with Crime No.141/2017 registered at P.S. Arang, District Raipur, C.G. for the offence under Section 306/34 of the IPC. The applicant is held arrested on 23-03-2017.

2. It is submitted on behalf of the applicant by learned counsel for the applicant that deceased Janaki committed suicide on 08-02-2017 by throwing herself before a running train at Arang railway station. The merg was recorded. No seizure of any suicide note were made till 20-03-2017. Thereafter, the FIR was lodged on 23-03-2017 against the applicant only on the basis of suicide note and the statement given by the husband of the deceased. The hand-written suicide note has not been verified and examined by any expert. Hence, for these reasons the applicant is entitled for grant of bail.

3. Learned counsel for the State/non-applicant submits that the statement of husband of the deceased, Devnath under Section 161 of the Cr.P.C. is sufficient as he has clearly stated that some time before the incident of suicide

the applicant had abused, assaulted and made defamatory statement against the deceased because of which she immediately tried to commit suicide soon after the incident, but that was intervened by her husband and another Satrupa and thereafter she getting frustrated and abetted by the act of the applicant has committed suicide. Hence, no case is made out for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. Considering the circumstances surfaced and the facts that the incident took place on 08-02-2017, the FIR was not lodged till 23-03-2017, so called suicide note, though recovered later, has not been subjected to any expert examination, and that the applicant is a women, this Court is of the opinion that this is a fit case where the applicant deserves to be enlarged on bail.

6. Consequently, the application (MCRC No.4347/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 concerned trial Court, for her appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge