

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 667 of 2017**

Shyamlal, S/o. Shri Mahipat Sonwani, Aged About 44 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	: Mr. Anand Mohan Tiwari, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/11/2017**

1. Apprehending arrest in connection with Crime No.54/2017, registered at Police Station- Marwahi, District – Bilaspur (C.G.), for offence punishable under Section 306, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case. The marriage of the deceased with applicant was solemnized in the year 2008 and both of them had peaceful married life and have two siblings. The deceased had some doubts that applicant is having extra marital relationship, on account of which, she committed suicide on 23.03.2017. Subsequent to that without any basis, in-laws of the applicant have leveled allegations against him that he subjected his wife, the deceased to torture and cruelty

because of which, she has committed suicide. It is submitted that co-accused in this case has been benefited with grant of anticipatory bail, applicant is also having the similar stand, hence prayed that he may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that there is clear statement of the witness that the deceased was subjected to cruelty by the applicant and Section 113(a) of Indian Evidence Act provides that in this situation, it shall be presumed that deceased was abetted to commit suicide, hence no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. Deceased, Rukhmani, the wife of the applicant committed suicide by hanging on 23.03.2017 in her matrimonial home. After recording morgue intimation, the police has recorded statement of parents and other members of family of the deceased, who have given statement that applicant treated his wife with cruelty on the basis of which, offence has been registered against the applicant.
6. Considering on the submissions made and the contents of the case diary, although it is alleged that the deceased was subjected to cruelty by violent behavior of the applicant, the postmortem report does not show the presence of any injuries on the body of the deceased and it is reported that it is clear case of suicidal hanging. Further the incident has taken place after 8 years of marriage, looking to this state of things, this Court finds it to be a fit case, where the applicant should be extended the benefit of anticipatory bail .

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the 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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge