

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 660 of 2017**

Smt. Shikha Sahu W/o Shri Ravi Kumar Gayakwad, Aged About 25 Years (D/o Shri Beni Ram Sahu), R/o Village Barodabazar, P.S. Mahasamund, District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund, Chhattisgarh

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 349 of 2017, registered at Police Station – Mahasamund, District – Mahasamund, Chhattisgarh for the offence punishable under Section 306/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. As per the facts of the case, co-accused Ravi Kumar Gayakwad was already married to deceased – Kunti Gayakwad and

then he performed second marriage with the applicant on account of which, the deceased got frustrated and committed suicide. No case of abetment to commit suicide is made out against the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. The applicant had been instrumental in the commission of suicide by the deceased. Hence, it is prayed that the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. As per the facts of the case, the applicant is resident of Baloda Bazar where she met with co-accused Ravi Kumar Gayakwad and both of them married about one year prior to the date of incident. Out of this marriage one child has also born. Deceased – Kunti Gayakwad had residence in Mahasamund and when she came to know about the affair and marriage of her husband/ the applicant, she committed suicide by hanging herself on 4.6.2017.

7. Considering all the submissions, facts of the case and the evidence produced against the applicant for her prosecution for abetment of committing suicide by the deceased, I am of the view that the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is

directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the Officer arresting her 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. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge