

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 774 /2017

1. Aarti, D/o. Krishna Kumar, Aged About 17 Years.
2. Krishna Kumar, S/o. Gayadas, Aged About 43 Years.
3. Janki, W/o. Krishna Kumar, Aged About 35 Years.

All R/o. Village Bharridand, Bargawa, Police Station Marwahi, Civil & Revenue District Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Acting Through Officer In Charge, Police Station- Marwahi, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Respondent

&

MCRC No. 7325 Of 2017

Krishna Kumar, S/o. Gayadas, (wrongly mentioned as Gayaram in the order sheet), Aged About 42 Years, R/o. Village Bharridand, Bargawa, Police Station Marwahi, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh, Acting Through Officer In Charge Police Station- Marwahi, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Devesh G. Kela, Advocate.

For Respondent : Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.12.2017

1. Learned counsel for the applicants submits that Krishna Kumar, Applicant No.2 in MCRC(A) No.774 of 2017 has arrested during pendency of this anticipatory bail application, therefore, he do not press his anticipatory bail application. It is further submitted that the regular bail application of the applicant Krishna Kumar is attached herewith that may be heard alongwith this anticipatory bail application.
2. In view of the above submission, both applications i.e. MCRCA No.774 of 2017 & MCRC No.7325 of 2017 arising out of same

Crime No.116/2017 are being considered and decided by this common order.

3. MCRC No.774 of 2017 : apprehending arrest in connection with Crime No.116/2017 registered at Police Station- Marwahi, Civil & Revenue District Bilaspur (C.G.) for the offence punishable under Section 498-A, 306, 34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
4. MCRC No. 7325 of 2017 : this is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.116/2017 registered at Police Station- Marwahi, Civil & Revenue District Bilaspur (C.G.) for the offence punishable under Sections 498-A, 306, 34 of Indian Penal Code.
5. As per the prosecution case, one Pushplata who was married to Sandeep Kumar on 25.04.2016 committed suicide by hanging on 02.06.2017. The applicant Aarti is sister-in-law, Krishna Kumar is father-in-law and Janki is mother-in-law of the deceased. It is alleged that the present applicants have abetted and treated the deceased with cruelty; thereby she committed suicide.
6. Learned counsel for the applicants submits that the main reason for committing suicide is that the financial condition of the deceased was much better than the applicants and she could not adjust herself and no abetment has been caused; therefore, the applicants may be released on bail.
7. Perused the statement of Smt. Bhuiya, mother of the deceased and Narayan Das, father of the deceased. It appears that omnibus allegations were attributed to the present applicants. The applicant Krishna Kumar has been arrested on 26.10.2017 and the applicants Aarti & Janki who applied for anticipatory bail are sister-

in-law & mother-in-law of the deceased. Taking into nature of allegation and the facts & circumstances of this case, I am inclined to allow both anticipatory & regular bail applications and released the applicants on bail.

8. Accordingly, the anticipatory bail application bearing MCRC No.774 of 2017 is allowed and it is directed that in the event of arrest of the applicants Aarti & Janki in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the 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.*

9. The bail application bearing MCRC No.7325 of 2017 filed under Section 439 of Cr.P.C. is also allowed and it is directed that the applicant Krishna Kumar shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.