

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 865 of 2017**

Smt. Jyotsana Metkar W/o Dinesh Metkar, aged about 44 years, R/o Plot No.1/4, Maitri Nagar, Risali, Bhilai, Tehsil and Distt. Durg (CG).

-----Applicant**Versus**

State of Chhattisgarh Through District Magistrate, Durg, Distt. Durg (CG).

---- Respondent

For Applicant	:	Shri T.K. Jha, Advocate.
For Respondent	:	Shri D.R. Minj, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30/11/2017**

1. The applicant has filed this application for grant of anticipatory bail as she is apprehending her arrest in connection with Crime No.42 of 2017 registered at Police Station Bhilai Bhatti, Distt. Durg, for the offence punishable under Section 306 IPC.
2. The prosecution story in brief is that, the deceased in the instant case was the father in law of the present applicant who has committed suicide on 03.03.2017. It is also reflected from the case diary that there is a suicidal note written by deceased before committing the act of suicide.
3. According to the counsel for the applicant, even if the entire version of the deceased is read, it would all amount of their being ill treatment and harassment on the part of present applicant, but this by itself would not constitute necessary ingredients required for making out an offence under Section 306 IPC, and therefore she may be granted anticipatory bail.
4. Counsel for the State opposing the bail submits that it is a case

where there is direct allegation of assault, ill treatment and harassment on the part of the present applicant which forces the deceased to take extreme step of committing suicide, and therefore she may not be released on bail.

5. Having heard learned counsel for the parties and perusal of case diary, particularly the contents of the suicidal note, this court is prima facie of the opinion that necessary ingredients to make out a case of abatement under Section 107 IPC with which the offence under Section 306 IPC would be made is not available, and as such, it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/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;
 3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. 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.
6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge