

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1328 of 2016

1. Devi Singh Rajput S/o Late Shri Tirath Singh Rajput (Chandel), Aged About 49 Years, R/o Ramsagarpara, Police Station City Kotwali, Tahsil & District Dhamtari, Chhattisgarh.
2. Radha Devi Rajput W/o Late Shri Tirath Singh Rajput (Chandel), Aged About 69 Years, R/o Ramsagarpara, Police Station City Kotwali, Tahsil & District Dhamtari, Chhattisgarh.
3. Shaila Rajput W/o Chaitanya Singh Rajput (Chandel), Aged About 38 Years, R/o Ramsagarpara, Police Station City Kotwali, Tahsil & District Dhamtari, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through the Police Station City Kotwali, District Dhamtari, Chhattisgarh.

---- None-applicant

For Applicant – Shri Somnath Verma, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

29-03-2017

1. Heard on the instant MCRCA.
2. As per the facts, Crime No.442/2016 under Section 304B, 498A read with Section 34 of the IPC has been registered against all the applicants for the death of deceased Smt. Neera Rajput other than the normal circumstances within 7 years of her marriage with applicant No.1. Applicant No.2 is mother-in-law and applicant No.3 is wife of brother of applicant No.1.
3. Heard learned counsel for the parties.
4. On behalf of the applicants it is submitted that marriage of the deceased and applicant No.1 was solemnized on 19-05-2015 and the date of incident is 01-12-2015. The marriage has been registered immediately after the incident. The FIR has been lodged on 23-11-2016. As per the PM report, cause of death of the deceased was asphyxia due to hanging, suicidal in nature. Police in his final report held that the deceased on account of being patient of unsound

mind committed suicide and police duly held that there is no any commission of cognizable offences. As per report from the doctor who treated the deceased, it appears that the deceased was taken for her treatment on 13th of March 1998. Thereafter, further taken for treatment on 2nd of May, 2001, 22nd of March, 2003 and 8th of April, 2005. Nothing on record to demonstrate any treatment since 2005 till date of death. Applicant No.2 is aged about 70 years. As the FIR has been lodged after 11 months of the incident, the door of the said room where the deceased committed suicide was bolted inside, on entire consideration, the applicants may be enlarged on anticipatory bail.

5. On behalf of the non-applicant/State, the instant MCRCA is opposed.

6. Perused the material.

7. It goes to show that on an application from father of the deceased, the case is registered subsequently and which is being investigated. As per facts of the case, within 7 months of the marriage, the deceased died other than normal circumstances. Though, in the final report, after the merged enquiry the police held that there is no any commission of cognizable offence, but later on after the FIR is lodged, police has recorded the statements of the witnesses and is investigating the matter after registration of the offences.

8. As the investigation is on the initial stage, and on the basis of the entire material collected, this Court is not inclined to grant anticipatory bail to the applicants. Consequently, the instant MCRCA is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE