

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case (A) No.760 of 2016

Smt. Neelam Singh, W/o Rajendra Pratap Singh, aged about 57 years,
R/o LIG-43, Maharana Pratap Nagar, Korba, Tehsil and District Korba
(C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Chowki Rampur, Korba, District
Korba (C.G.)

---- Non-applicant

Misc. Criminal Case (A) No.10 of 2017

Rajendra Pratap Singh, S/o Mata Prasad Singh, aged about 61 years,
R/o LIG-43, Maharana Pratap Nagar, Korba, Tehsil and District Korba
(C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Kotwali, District Korba (C.G.)

---- Non-applicant

AND

Misc. Criminal Case No.825 of 2017

Abhishek Singh, S/o R.P. Singh, aged about 28 years, R/o LIG-43,
Maharana Pratap Nagar, Korba, Tehsil and District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Korba, District Korba
(C.G.)

---- Non-applicant

For Applicants:	Mr. Kishore Bhaduri and Mr. Pawan Kesharwani, Advocates.
For State:	Mr. Vivek Sharma, Govt. Advocate.
For Objector:	Mr. Manoj Paranjpe, Mr. Vikram Dixit and Mr. Prasoon Agrawal, Advocates.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/02/2017

1. Since common question of law and fact is involved, all the bail applications are tagged together, heard analogously and are being disposed of by this common order.
2. Apprehending arrest in connection with Crime No.145/2016, registered at Police Chowki Rampur, Police Station Kotwali, Korba, Distt. Korba, for the offence punishable under Sections 306, 304B and 498A read with Section 34 of the IPC, applicants Smt. Neelam Singh and Rajendra Pratap Singh have filed M.Cr.C.(A) Nos.760/2016 and 10/2017, respectively, under Section 438 of the CrPC for grant of anticipatory bail. Whereas, accused/applicant Abhishek Singh has moved M.Cr.C.No.825/2017 under Section 439 of the CrPC for releasing him on regular bail during trial in connection with the same crime number registered at the same Police Station / Police Chowki and for the same offences.
3. Case of the prosecution, in brief, is that Abhishek Singh, husband of deceased Ankita Singh, was having illicit affair with co-accused Nikita Shrivastava and their relations continued even after marriage of Abhishek Singh with deceased Ankita Singh and thereby Abhishek Singh subjected deceased Ankita Singh to continuous mental harassment and torture as a result of which on 16-3-2016, Ankita Singh committed suicide.
4. Mr. Kishore Bhaduri, learned counsel for the applicants, would submit that names of Smt. Neelam Singh and Rajendra Pratap Singh, mother-in-law and father-in-law of the deceased,

respectively, have unnecessarily been added while preparing final report as there is not an iota of evidence against them for the alleged offence under Sections 498A, 304B and 306 of the IPC. They have nothing to do with the aforesaid crime in question except that they are mother and father of Abhishek Singh and father-in-law and mother-in-law of deceased Ankita Singh. Mr. Bhaduri would further submit that FIR was lodged on 22-3-2016 and there is delay of five days in lodging the FIR and even father and mother of the deceased have made statements before the police under Section 161 of the CrPC on 20-4-2016 in which there is general statement about involvement of the present applicants in the crime in question as such, applicant Smt. Neelam Singh is aged about 57 years and applicant Rajendra Pratap Singh is aged about 62 years, they are ready and willing to face trial and furnish bail bonds to the satisfaction of the Court and they are not likely to abscond if they are granted the privilege of anticipatory bail. Mr. Bhaduri would also submit that in the suicidal note there is no allegation against Smt. Neelam Singh and Rajendra Pratap Singh. He would finally submit that since the anticipatory bail application was filed on 11-7-2016, permanent warrant of arrest was issued subsequently thereafter.

5. Opposing the anticipatory bail applications, Mr. Vivek Sharma, learned Govt. Advocate, appearing for the State, would submit that the applicants herein are mother-in-law and father-in-law of the deceased and in the statements recorded under Section 161 of the CrPC, father and mother of the deceased had made categorical

statement that the applicants used to demand dowry from Ankita Singh and as such there is *prima facie* case against the applicants for the aforesaid offences and therefore they should not be granted anticipatory bail.

6. Mr. Prasoon Agrawal, learned counsel for the objector, has also opposed the grant of anticipatory bail to the applicants.
7. Mr. Kishore Bhaduri, learned counsel also appearing for applicant Abhishek Singh in M.Cr.C.No.825/2017, would submit that applicant Abhishek Singh is in custody from 22-3-2016 and almost completing one year of his custody. Charge-sheet has already been filed and no custodial interrogation of the applicant is required. Charge has been framed and therefore no useful purpose will be served by further detaining him in jail.
8. Mr. Kishore Bhaduri, learned counsel for the applicants, relied upon a decision of the Supreme Court in the matter of **Ghusabhai Raisangbhai Chorasaya and others v. State of Gujarat**¹.
9. I have heard learned counsel for the parties and perused the case diary.

M.Cr.C.(A)Nos.760/2016 and 10/2017

10. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, considering the fact that the applicants are mother-in-law and father-in-law of the deceased, only omnibus and general statements have been made against them by the parents of the deceased as long back as on 20-4-2016, the dispute mainly relates to relation between Nikita

¹ AIR 2015 SC 2670

Shrivastava and Abhishek Singh on account of his relation with Nikita Shrivastava, and further considering the age of the applicants, I consider it a fit case for grant of anticipatory bail to the applicants. Accordingly, the anticipatory bail applications are allowed.

11. It is, therefore, directed that in the event of arrest of the applicants namely Smt. Neelam Singh and Rajendra Pratap Singh in connection with the aforesaid offences, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of ₹ 1,00,000/- each with one surety in the like sum to the satisfaction of the concerned investigating / arresting officer. The applicants shall also abide by the following conditions: -

1. They shall make themselves available for interrogation before the concerned arresting / investigating officer as and when required.
2. They 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. They shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
4. They shall also appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

M.Cr.C.No.825/2017

12. So far as applicant Abhishek Singh in M.Cr.C.No.825/2017 is concerned, taking into consideration the nature and gravity of offence, facts and circumstances of the case, material available in

the case diary, he is in jail since 22-3-2016, no further custodial interrogation is required, trial of the case is likely to take time and considering the nature of allegation, I consider it a fit case to grant regular bail to the applicant. Accordingly, the regular bail application is also allowed.

13. It is, therefore, directed that applicant Abhishek Singh be released on bail on his furnishing a personal bond in the sum of ₹ 1,00,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge