

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 21 of 2018

1. Shiv Charan Sahu S/o Late Awadh Ram Sahu Aged About 59 Years (Central Government Employee) Posted at Branch Post Master Khairkhuth Post Office Via Birgaon District Raipur Chhattisgarh R/o Village Post Khairakhuth Police Station Dharsiwa District Raipur Chhattisgarh, Chhattisgarh
2. Dhirpal Sahu S/o Shri Ramdayal Sahu (Farmer) Aged About 54 Years R/o Village Post Khairakhuth Police Station Dharsiwa District Raipur Chhattisgarh , District : Raipur, Chhattisgarh
3. Kalanath Sahu S/o Late Manrakhan Sahu Aged About 54 Years (Farmer) R/o Village Post Khairakhuth Police Station Dharsiwa District Raipur Chhattisgarh , District : Raipur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Dharsiwa District Raipur Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicants – Shri Ashok Verma and Shri Gajendra Sahu, Advocates.
For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

05-04-2018

1. Apprehending arrest in connection with Crime No.548/2017, registered at Police Station – Dharsiwa, District Raipur, Chhattisgarh for offence punishable under Section 306, 34 of the IPC and Section 4 and 5 of Chhattisgarh Tonhi Pratarna Niwaran Adhiniyam 2005, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. On a complaint made by daughter-in-law of deceased Bisahin Sahu, a meeting was called in which it was the finding of elderly persons of Sahu Samaj present that both the mother-in-law and the daughter-in-law were on inimical terms and had been abusing each other and calling sorcerer to each other and no decision could be taken in the meeting. Later on, a complaint was filed by the deceased in the police

station on 06-11-2017 making allegation only against her daughter-in-law and there was only one statement that these applicants had not acted in any manner to help her. On 09-11-2017 the deceased self immolated her and it is on that date she made a false statement against these applicants. These applicants had not played any role in the said abetment to commit suicide. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and submits that the deceased in the dying declaration clearly holds responsible these applicants for the incident that has taken place, hence, they are not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Deceased Bisahin Sahu self immolated her on 09-11-2017 and she was admitted to the hospital for treatment, during which, the dying declaration was recorded on 09-11-2017 itself by the Executive Magistrate and in that she made clear statement that the applicants were harassing her to a great extent, because of which, she felt compelled to commit suicide and she expired on 19-11-2017. Charge sheet has been filed after completion of the investigation.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the entire material present in the case diary. The day on which the meeting was held was 04-11-2017, whereas the deceased self immolated her on 09-11-2017, there was a gap of almost 5 days before the deceased took the decision to self immolate her. The allegation made by the deceased against these applicants regarding harassment shall be examined by the trial Court as to whether it amounts to abetment or not. Hence, for these reasons, I am of this view that the applicants should be benefited with grant of

anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in 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 they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that 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;
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge