

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 244 of 2017**

1. Priya Dhiwar, W/o. Hori Lal, Aged About 21 Years,
2. Horilal Dhiwar, S/o. Nandkumar Dhiwar, Aged About 27 Years,
Both R/o. Old Bazar Kurud, Police Station -Kurud, District- Dhamtari,
Chhattisgarh. (Mob. No.9009608559)

----Applicants**Versus**

State Of Chhattisgarh, Through : The Police Station -Kotwali, District-
Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. C.R. Sahu, Advocate
For Respondent/State	: Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/01/2018**

1. Apprehending arrest in connection with Crime No.26/2017, registered at Police Station – Kotwali, Raipur, District – Raipur (C.G.) for offence punishable under Section 306/34 of the Indian Penal Code, 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 only for the reasons that they are related to the main accused – Bhupendra Dhiwar, who happens to be a younger brother of the applicant No.2. The deceased in this case has committed suicide in her maternal

home, apart from that applicant had been living separately from the deceased and her husband and there had been no occasion to interact or torture as it is alleged in the case against them. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that the statement recorded under Section 161 of Cr.P.C. of witnesses clearly alleges that both the applicants have played a role because of which, the deceased felt abetted to commit suicide, hence they are not entitled to be released on bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The brief facts of the case are these that the marriage of the Bina (deceased) and Bhupendra Dhiwar took place in the April, 2016. Husband of the deceased left the deceased in her maternal home on 21.12.2017, where the deceased committed suicide on 27.12.2016 by setting herself ablaze after pouring kerosene on her body and she died on the same day. In the morgue intimation given on the same day, no allegation was made against this applicant and they were named for the first time in the statement recorded under Section 161 of Cr.P.C. on 21.01.2017, hence they have been arrayed as an accused in this case.
6. Considered the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further considering the development that has taken place after

passing of sometime, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge