

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 231 of 2018**

Deepti Prajapati W/o Late Tapeswar Prajapati Aged About 37 Years By Caste- Kumhar, R/o Village- Kunkuri, Present Address-Narayanpur, Tahsil-Kunkuri, District- Jashpur, Chhattisgarh Lecturer Govt. Higher Secondary School, Sendrimunda., District : Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station-Jashpur, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
For the Respondent/ State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.05.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 28 of 2018 registered at police station Jashpur, District Jashpur, Chhattisgarh for the offence punishable under Section 306 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. It is true that she and her husband/ the deceased did not have any cordial relationship and only for this reason it cannot be concluded that she abetted the commission of suicide. This

applicant is a teacher and her career shall be jeopardized in case she is arrested. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the suicide note left by the deceased, this applicant has been held responsible for his commission of suicide. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, the applicant and the deceased married in the year 2007 and have a son aged about 9 years. Both did not have any cordial relation and the deceased was living separately from the applicant where the applicant used to visit on some occasions. On 1.1.2018, deceased – Tapeswar Chakesh committed suicide by hanging himself and he left a suicidal note in which after making various allegations about the conduct of his wife, this applicant has been held responsible for his commission of suicide.

7. After due consideration on all the material present in the case-diary, it appears that the abetment was there or not has to be examined in the trial under the provisions of Section 107 of the I.P.C.

8. Accordingly, the anticipatory bail application is allowed and it is

directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the Officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself available for interrogation before the Investigating Officer as and when required;
- (ii) that the 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge