

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1899 of 2018

1. Raj Shekhar Paliwal & Anr. S/o Shri Dr. Vedprakash Paliwal Aged About 52 Years R/o- Nandini, Township, Police Station Nandini, Tehsil Ahirwara, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Smt. Meena Paliwal W/o Shri Rajshekhar Paliwal Aged About 50 Years R/o- Nandini, Township, Police Station Nandini, Tehsil Ahirwara, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Nandini Nagar, District-Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Sunil Otwani, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/03/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.52/2018 registered at Police Station– Nandini Nagar, District– Durg(C.G.) for the offence punishable under Section 306 r/w Section 34 of the Indian Penal Code.
2. Learned counsel for the applicants submits that applicant are innocent and have been falsely implicated in this case. Applicants are in jail since 21.2.2018. No offence of abetment to commit suicide is made out against these applicants. The suicidal note is the base of this case against these applicants. Whereas the deceased student was herself on preparatory have from 15.2.2018 and she was not in contact with

these applicants. The applicants have neither tortured or harassed the deceased nor acted in any manner to constitute the offence of abetment. The deceased was a student and was under depression of her final exams and therefore she committed suicide. As such, no offence of abetment or commission of suicide is made out against the applicants, as alleged by the prosecution. The suicide was committed by her in the night intervening 19th & 20th February, 2018 and the suicide note shows the date as 10.2.2018. Due to personal enmity with these applicants, father of the deceased has lodged a false report against these applicants. They are ready to abide by all the conditions and directions, which may be imposed while granting bail to them. Hence, it is prayed that applicants be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the suicidal note clearly mentions that it is the applicants who have harassed the deceased and therefore she committed suicide. Hence, they are not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. Deceased Samiksha Shastri committed suicide in the night intervening 19th & 20th February, 2018. FIR was lodged on 21.2.2018 by the father of deceased alleging that applicants have abetted her to commit the suicide.
6. Considering on the material present in the case diary, in particular the date of suicide mentioned in the said note i.e. 10.2.2018 has a relevance because the act of deceased was actually committed about nine days subsequent to writing of that note. Nature of allegations made against these applicants by the deceased shows that she was

subjected to some torture & harassment.

7. Taking into consideration all the material that is present in this case as no custodial interrogation of the applicants is required and further, detention in this case appears to be without any purpose. For these reasons, I am of this view that applicants should be released on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge