NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 2567 OF 2018

1. Sikandar @ Dildhar Momin S/o Shafhak Aged About 60 Years R/o- Village-Naharpara, Lailunga, P.S. And Tahsil- Lailunga, District- Raigarh, Chhattisgarh.
2. Mst. Safiran W/o Sikandar @ Dildhar Momin Aged About 55 Years R/o- Village-Naharpara, Lailunga, P.S. And Tahsil- Lailunga, District- Raigarh, Chhattisgarh.

… Applicants

Versus

The State Of Chhattisgarh Through- S.H.O. Police Station Lailunga, District-Raigarh, Chhattisgarh.

… Respondent

For Applicants	:	Shri AK Prasad, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/05/2018

1. This is the first bail application seeking for grant of bail to the Applicants who are in jail since 08.03.2018 in connection with Crime No. 31 of 2018 registered at Police Station Lailunga, Distt. Raigarh, for the offence punishable under Section 306/34 IPC.
2. As per prosecution case, the applicants together with other co-accused persons is said to have subjected the deceased Shabina to ill treatment, torture and cruelty which led her to commit suicide by consuming poison on 18.12.2017.
3. Learned Counsel for the applicants submits that marriage between the deceased and their son namely Hakim Momin took place in October, 2017. There has been no complaint whatsoever or a case has been lodged against the applicants. Even if the statement of witnesses recorded during the course of investigation is taken in to

consideration, it would reveal that the ingredients necessary to make out an offence under Section 306 IPC are not available. Further, the nature of allegations levelled against the applicants are also omnibus and general in nature. There is no specific instance or date of ill treatment made by the applicants. Thus, prayed for grant of bail.

4. The State counsel referring to statements of parents of deceased as well as other relatives submits that the applicants and their son Hakim Momin, the main accused, have been subjecting the deceased to ill treatment, torture and cruelty on account of demand of dowry. So also the Husband Hakim Memon used to consume liquor and assault the deceased which led her to commit suicide on 18.12.2017.

5. Having heard the contentions put forth on either side and on perusal of case diary, indisputably the nature of allegations shows that there have been some allegation of demand of dowry, ill treatment and torture, but there does not appear to be any strong material available to show that the ingredients necessary to make out an offence of abetment which is required to constitute the offence under Section 306 IPC available. There was no act attributed on the part of the present applicants immediately before the deceased commits suicide. There is no material to establish abetment or instigation on the part of the present applicants which led the deceased to commit suicide. Thus, this Court is of the opinion that the present is a fit case where the Applicants can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants shall be released on bail on their furnishing personal bond for a sum of Rs.20,000/- each with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge

inder