

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3782 of 2018**

1. Babulal Tandon S/o Tiharutandan Aged About 47 Years R/o Kauwatal , Police Station - Sarangarh , Tehsil - Sarangarh District Raigarh Chhattisgarh.
2. Kanakkumari Tandon, W/o Babulal Tandon Aged About 42 Years R/o Kauwatal , Police Station - Sarangarh , Tehsil - Sarangarh District Raigarh Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Police Station Sarangarh, District Raigarh Chhattisgarh.

---- Non-applicant

For Applicants : Shri K.S. Nande, Advocate.

For Non-applicant : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.07.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 187/2018 registered at Police Station – Sarangarh, District - Raigarh (C.G.) for the offence punishable under Sections 306, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the deceased was 26 years old and resident of Kauwatal and the applicant No. 1 was her husband. On 01.04.2018, the deceased committed suicide by hanging herself. One suicidal note has been recovered from her body. As per the suicidal note applicants were harassing her badly. Thus, she has

committed suicide.

4. Learned counsel for the applicants argued that prima facie there is no abetment by applicants. He placed reliance on the judgment of the Madurai Bench of Madras High Court in **Manikandan v. State** passed in **Crl. A. (MD) No. 142 of 2016 dated 16.06.2016**. The alleged dying declaration has not been examined by handwriting expert, the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. The aforesaid judgment of the Madras High Court is related with the final disposal of the case considering the merits. At this stage prima facie it cannot be said that offence punishable under Section 306, 34 is not made out. At this stage this is not appropriate to see that alleged dying declaration has been examined or not by the handwriting expert.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.
8. Consequently, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE