

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 714 of 2018

1. Mohammad Israil S/o Sheikh Nawibaksh, Aged About 68 Years, R/o C-86, Subhash Block Colony, SECL Korba, P.S. Kotwali, District Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Smt. Gul Pasa W/o Mohammad Israil, Aged About 60 Years, R/o C-86, Subhash Block Colony, SECL Korba, P.S. Kotwali, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRCA No. 740 of 2018

1. Durgesh Tiwari S/o Laxmi Tiwari, Aged About 30 Years, R/o Singhri, Tehsil Bilha, District Bilaspur Chhattisgarh, At Present Behind Muskan Bhawan Sarkanda Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station City Kotwali District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRCA No. 751 of 2018

1. Nishad Parvin W/o Late Ajim Khan, Aged About 37 Years, R/o Kududand Colony, Bilaspur, Tahsil And Distt. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Sahin W/o Ajin Khan, Aged About 30 Years, R/o Old Basti, Katghora, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh
3. Salma S/o Akbar, Aged About 26 Years, R/o Sarvamangla Road, Korba Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh
4. Jentil @ Tabrej Alam S/o Mo. Imtyaj Hussain, Aged About 34 Years, R/o Subhash Block Colony, S. E. C. L. Quarter No. C/96, Korba Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh
5. Akbar S/o Late M. Rahman, Aged About 37 Years, R/o Sarvamangla Road, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Distt. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant(s) – Smt. Indira Tripathi, Advocate (in MCRCA No.714/2018 and MCRCA No.751/2018),
Shri Ajay Ayachi, Advocate (in MCRCA No.740/2018).

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

06-08-2018

1. As these three MCRCA arise out of the same crime number, i.e. Crime No.245/2018, registered at Police Station City Kotwali, Distt. Bilaspur, Chhattisgarh for the offence under Section 306, 120-B, 497/34 of the IPC, they are being decided by this common order.
2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for the applicants that the applicants in all these three applications have been falsely implicated in this case. The fact is this, that the relations between applicant No.1 Nishad Parvin (in MCRCA No.751/2018) and deceased Ajim Khan were strained because of the reason that the deceased had doubts on character of applicant Nishad Parvin, whereas, the marriage was performed 15 to 16 years back. The deceased committed suicide on 21-03-2017. No complaint was made by the complainant immediately after the death of the deceased and later on, a private complaint was filed before the Court on 05-09-2017 and on that basis the case is registered against the applicants. Applicant Nishad Parvin was driven out after the death of her husband, the deceased and the allegations that are made against her are in the form of cruelty as the statement made by the complainant and witnesses are defamatory and derogatory. According to the material that is present in the case against all these applicants, no case of abetment to suicide is made out. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.
4. Learned counsel for non-applicant/State opposes the applications submitting that according to the transcript of the last recording 25-01-2017 of the phone call between applicant Nishad Parvin and her husband Ajim Khan,

there is material to show that the deceased was abetted to commit suicide, hence, no case is made out for grant of anticipatory bail.

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

6. Applicant No.2, 3, 4 & 5 are sisters and other relatives of applicant No.1 Nishad Parvin in MCRCA No.751/2018. Applicants in MCRCA No.714/2018 are parents of applicant Nishad Parvin (applicant No.1 in MCRCA No.751/2018). Applicant Durgesh Tiwari in MCRCA No.740/2018 is office colleague of applicant Nishad Parvin (applicant No.1 in MCRCA No.751/2018) in which she is working. The case against these applicants is this, that all the applicants hatched conspiracy, by which the deceased was motivated to commit suicide, as a result of which, he committed suicide on 21-03-2017. Hence, this case.

7. Considered on the entire material present in the case diary. It appears that the deceased had doubts on the character of his wife Nishad Parvin and he committed suicide out of frustration and depression. The trial Court shall consider the case against the applicants in detail on the basis of facts produced by the prosecution in this case, but, in the present circumstances, I am of this view that these applicants deserve to be benefited with grant of anticipatory bail.

8. Consequently, all these three anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil