

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7569 of 2017

- Smt. Mamta Tiwari W/o Pokhan Tiwari, Aged About 48 Years Occupation Aanganbadi Karyakarta, R/o Village Tumripar, Post And Police Station Perpodi, District Bemetara, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Perpodi, District Bemetara Chhattisgarh. , Chhattisgarh

---- Respondent

And

MCRC No. 7874 of 2017

1. Smt. Mamta Tiwari And Anr. W/o Ganesh Tiwari, Aged About 38 Years Housewife, R/o Housing Board, Near Electricity Office, Bhilai, District Durg, Chhattisgarh/ Village Tumripar, Post And Police Station Perpodi, District Bemetara, Chhattisgarh, Chhattisgarh
2. Ganesh S/o Bharatlal Tiwari, Aged About 45 Years Occupation Teacher, Sector-11 School, Bhilai, R/o Housing Board, Near Electricity Office, Bhilai, District Durg, Chhattisgarh/ Village Tumripar, Post And Police Station Perpodi, District Bemetara, Chhattisgarh, District : Bemetara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Perpodi, District Bemetara, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Y.C. Sharma, Advocate.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/01/2018

1. Since the above bail applications arise out of the same crime number,

they are being disposed of by this common order.

2. Both these applications are first bail application of the applicants under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants as they have been arrested in connection with Crime No.110/2017 registered at Police Station - Perpodi, District – Bemetara (C.G.) for the offence punishable under Section 306/34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question. These applicants have never made any allegation against the deceased as they were living separately and the deceased was living with her husband in a different house. Deceased had committed suicide for her own reasons. After this incident, a false complaint has been lodged based on which offence against the applicants has been registered.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the statements of witnesses are sufficient for the prosecution of the applicants in this case, hence, the applicants in both the cases are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. As per prosecution case, the in-laws of the deceased used to commit torture upon the deceased as they had doubt on the character of deceased. They also used to taunt her by saying that she is dependent on the pension of her father-in-law. They further used to say to the deceased that she should die. The incident of suicide took place on 21.10.2017 and thereafter the morgue was lodged but FIR has been

recorded only on 1.11.2017 by the police i.e. after completion of the morgue inquiry. Hence, the conclusion of the investigation is this that the deceased committed suicide because of the torture given by her in-laws.

7. Considered the submissions made and contents of the case diary. Taking into consideration the role attributed to the applicants in both the cases and as it appears that they shall be available before the trial Court and further considering that the trial of the case is likely to take some time for its conclusion, I am of this view that it is a fit case where the applicants should be enlarged on regular bail.
8. Accordingly, both the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that both 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 trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge