HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1600 of 2018

1. Keshavkant Dubey S/o Ramshankar Dubey, aged about 48 years, R/o Shiv Mandir Krishna Nagar, Ambedkar Chauraha, Supela Bhilai, Police Station - Supela, District - Durg, Chhattisgarh.

2. Smt. Kusum Dubey W/o Keshavkant Dubey, aged about 45 Years R/o Shiv Mandir Krishna Nagar, Ambedkar Chauraha, Supela Bhilai, Police Station - Supela, District - Durg, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate.
For Respondent : Mr. V.B. Singh, Panel Lawyer.

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

11/12/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.915/2018 registered at Police Station-Supela, District – Durg(C.G.), for the offence punishable under Sections 304-B, 34 of the Indian Panel Code (for short 'IPC').
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out

against these applicants. These applicants are residents of Uttar Pradesh. The deceased Tanu @ Dolly resided with her husband the son of these applicants in Bhilai, where she committed suicide on 4.10.2018 by hanging herself. Hence, these applicants were not in position to abet the said commission of suicide or make any demand of dowry soon before her death. Hence, it is prayed that they may be granted on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the statement of witnesses present in the case diary, no case is made out for grant of anticipatory bail.

4. Heard both the parties and perused the case diary.

5. Marriage of deceased Tanu @ Dolly was performed with accused Deepak Dubey on 11.5.2014 and she had a child out of this wedlock. Deceased committed suicide on 4.10.2108 by hanging herself. In the morgue statement recorded on 7.10.2018, the father of deceased has stated that the deceased was subjected to torture and cruel treatment for demand of dowry soon before her death.

6. According to the material present in the case diary, it appears that these applicants were not present at the time of incident of commission of suicide has taken place and they are related to the deceased as her in-laws, hence, after considering on all the circumstances of this case, I am of this view that this is a fit case where the applicants should be granted on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer

arresting them on their executing a personal bond in the sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

(i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that the applicants 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 the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha