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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 489 of 2019

1. Jagarnath Thakur S/o Late Shri Mukhlal Thakur (wrongly mentioned as "Makhlal Thakur" in the impugned order dated 03-01-2019), Aged About 70 Years, R/o Bachwar, Police Station And Tahsil Shankargarh, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Shankargarh, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

MCRCA No. 101 of 2019

1. Laxman Prasad Thakur S/o Shri Jagarnath Thakur, Aged About 48 Years, R/o Bachwar, Police Station - Shankargarh, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
2. Smt. Mina Thakur @ Mina Devi W/o Shri Laxman Prasad Thakur, Aged About 42 Years, R/o Bachwar, Police Station - Shankargarh, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Shankargarh, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

MCRC No. 728 of 2019

1. Mukesh Thakur @ Mukesh Kumar Thakur S/o Shri Jagarnath Thakur, Aged About 33 Years, R/o Bachwar, Police Station And Tahsil Shankargarh, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Shankargarh, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Rishi Rahul Soni, Advocate.

For Non-applicant/State – Shri H.S. Ahluwalia, Deputy A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-02-2019

1. As these three applications arise out of the same crime number, i.e., Crime No. Crime No.128/2018 registered at P.S. Shankargarh, District Balrampur Ramanujganj, Chhattisgarh, for the offence under Sections 306 read with Section 306/34 of the IPC, they are being decided by this common order.

2. Applicant Jagarnath Thakur (applicant in MCRC No.489 of 2019) and applicant Mukesh Thakur @ Mukesh Kumar Thakur (applicant in MCRC No.728 of 2019) have been arrested on 26-12-2018 in connection with aforesaid crime number and offence, hence, they have filed these applications for grant of regular bail.

MCRC No.101 of 2019 has been filed by applicants Laxman Prasad Thakur and Smt. Mina Thakur @ Mina Devi 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 these applicants have been falsely implicated in this case. No case is made out. Deceased Vandana was wife of applicant Mukesh Thakur (applicant in MCRC No.728 of 2019). There had been dispute of the applicants with the deceased and so called allegation of harassment is totally false made by the parents and others out of annoyance against the applicants, which is baseless, no such act overt or covert has been done by the applicants so as to make out a case of abetment for commission of suicide. Therefore, it is prayed that the applications may be allowed.

4. Learned counsel for the State/non-applicant opposes the applications and submits that there is evidence of the deceased being tortured and treated with cruelty by the applicants and her death has occurred within 7 years of her marriage, hence, under these circumstances the applicants are

not entitled for grant of bail regular or anticipatory.

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

6. Marriage of applicant Mukesh Thakur with deceased Vandana was performed in May, 2013. It is alleged that while the deceased was living in her matrimonial home she was consistently tortured and treated with cruelty by her husband and in-laws. One of the witnesses has also stated that there had been demand of some dowry. The deceased committed suicide on 29-10-2018 by hanging herself. The FIR has been lodged on 22-12-2018 after passing of two months on the basis of mere enquiry. Hence, this case.

7. On perusal of the material present in the case diary, it appears that there had been some dispute within the family of the applicants in which the deceased was also a participant. After due consideration on all the facts and circumstances of the case, I am of this opinion that it is a fit case where the applicants should be granted regular/anticipatory bail.

8. Consequently, MCRC No. 489 of 2019 filed by the applicant Jagarnath Thakur and MCRC No. 728 of 2019 filed by applicant Mukesh Thakur @ Mukesh Kumar Thakur under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. The anticipatory bail application, MCRCA No.101 of 2019 filed under Section 438 of the Cr.P.C. by applicants Laxman Prasad Thakur and Smt. Mina Thakur @ Mina Devi is also 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge