

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 255 of 2019

1. Santosh Kumar Shukla S/o Late Shri Baikuntnath Shukla, Aged About 40 Years, Occupation Private Teacher, R/o Ward No.19, Guru Ghasidas Ward, Kedarpur, Ambikapur, Tahsil And District Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Sunita Shukla D/o Late Shri Baikuntnath Shukla, Aged About 37 Years, R/o Ward No.19, Guru Ghasidas Ward, Kedarpur, Ambikapur, Tahsil And District Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, through The Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicants – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Panel Lawyer.

Shri Sushobhit Singh, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-03-2019

1. Apprehending arrest in connection with Crime No.57/2019, registered at Police Station – Kotwali, Ambikapur, District Surguja, Chhattisgarh for offence punishable under Section 306/34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against these applicants. Marriage of applicant No.1 with deceased Neelam Shukla was about 16 years old and both had a son and a daughter from this marriage. The main reason of frustration of the deceased was this, that applicant No.1 had left his job and was unemployed, because of which he often used to seek assistance of his father-in-law in the financial matters. The allegation regarding ill treatment and cruel treatment of the deceased is totally false and baseless which are made only for the reason that the complainant and others have

grievance against the applicants on account of death of their daughter/sister. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that witnesses have clearly stated about torture given to the deceased since the year 2016, therefore, because of the cruel treatment the deceased felt compelled to commit suicide. It is clearly a case of abetment for commission of suicide. Hence, the application may be rejected.

4. Learned counsel for the objector after adopting the argument advanced by the State counsel submits that the applicant No.1 had firstly suppressed the information and made false statement that the deceased had fallen from stairs, whereas, her death has occurred due to hanging. The deceased was living very miserable life in her matrimonial home and it became unbearable because of which she felt compelled to commit suicide. Further, the death of the deceased had been in suspicious condition which may not be suicide. Hence, the applicants are not entitled for grant of anticipatory bail.

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

6. Marriage of applicant No.1 Santosh Kumar Shukla with deceased Neelam Shukla took place in the year 2003. The deceased committed suicide by hanging herself on 31-08-2018. On the basis of morgue enquiry the FIR was lodged on 28-01-2019. Hence, this case.

7. Considered on the material present in the case diary. As the marriage of applicant No.1 with the deceased is more than 07 years old, therefore, presumption is not available under Section 113A of the Evidence Act in this case. It may be a case of cruel treatment to the married wife. Therefore, after due consideration, I feel inclined to allow this application.

8. Accordingly, the anticipatory bail application is 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