

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 396 of 2019

1. Smt. Uma Samundre W/o Umesh Samundre Aged About 45 Years, R/o Ward No.21 Chhoti Bazar, Chirimiri, Police Station Chirimiri, Tehsil Khangawan, District Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through Station House Officer Police Station Chirimiri, District Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

MCRC No. 1536 of 2019

1. Umesh Samundre S/o Late Shri Chhota Samundre, Aged About 50 Years, R/o Chhota Bazar, Chirmiri, Police Station Chirmiri, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh, through The Station House Officer, Police Station Chirmiri, District Korea, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicants – Mr. Ashish Shukla, Advocate.
For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

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

01-04-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.255/2018, registered at Police Station - Chirmiri, District Korea, Chhattisgarh, for the offence under Section 306, 34 of the IPC, they are being decided by this common order.
2. Applicant Smt. Uma Samundre has filed MCRCA No.396 of 2019 for grant of anticipatory bail as she is apprehending her arrest in connection with aforesaid crime number and offence.
3. Applicant Umesh Samundre has been arrested on 28-01-2019 in connection with aforesaid crime number and offence, therefore he has filed MCRC No.1536/2019 for grant of regular bail under Section 439 of the Cr.P.C.
4. It is submitted on behalf of the applicants that they have been falsely

implicated in this case. No case is made out against them for abetment of commission of suicide by the deceased in this case. The marriage of the deceased with son of these applicants was about 10 years old, therefore, presumption under Section 113A of the Evidence Act would not be applicable in this case. The dispute that had taken place earlier was already resolved and at the time of incident also nothing has happened so as to show that the deceased was abetted to commit suicide. As the father of the deceased is aggrieved, he has made false allegations against these applicants and co-accused person. Therefore, it is prayed that these applicants may be benefited with grant of anticipatory bail.

5. Learned counsel for the State/non-applicant opposes the applications and submits that there is history of earlier case that was registered against these applicants and others for offence under Section 498-A of the IPC and other offences. Thereafter, a compromise took place and the deceased along with her husband started residing in different place where the applicants were not residing. However, the applicants insisted that the deceased and her husband should come and reside with them and after she returned, this incident has taken place, which shows that the applicants had played role in the said commission of the suicide committed by the deceased. Therefore, both the applications may be rejected.

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

7. Marriage of the deceased Neelu Samundre took place in the year 2008. After some initial disputes regarding demand of dowry, the matter was settled and when the deceased was residing with these applicants in their house she committed suicide in the intervening night of 18th and 19th of July, 2018. Subsequent to that, in the morgue and in the statement in the investigation parents of the deceased had made allegation that the deceased was subjected to torture for demand of dowry. Hence, this case.

8. Considering on nature of the allegation made against these applicants

and also considering the length of marriage of the deceased and her husband, the co-accused person in this case, I feel inclined to allow both the applications.

9. Accordingly, MCRC No.1536/2019 filed by applicant Umesh Samundre under Section 439 of the Cr.P.C. for grant of regular bail is allowed. It is directed that this applicant shall be released on bail on his 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 his appearance as and when directed.

10. Also, the anticipatory bail application (MCRCA No.396/2019) filed by applicant Smt. Uma Samundre is allowed. It is directed that in the event of arrest of applicant Smt. Uma Samundre in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on 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. This applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge