

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 818 of 2019

1. Jhool Bai W/o Phool Sai Aged About 50 Years R/o Village Sarvani, Tahsil Kharsia, District-Raigarh, Chhattisgarh.,
2. Rajkumar S/o Phool Sai Aged About 25 Years R/o Village Sarvani, Tahsil Kharsia, District-Raigarh, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Police-Thana - Kharsia, District Raigarh Chhattisgarh.

---- Respondent

For Applicants : Ms. Sharmila Singhai, Advocate.
For Respondent : Mr. I. Lakda, Dy. Govt. Advocate.

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

25/06/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.105/2019 registered at Police Station-Kharsia, District-Raigarh(C.G.), for the offence punishable under Sections 306/34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against the applicants for commission of offence of abetment to commit suicide. The parents of the deceased have given imaginary statement and they had not been present soon before the incident to have knowledge, that what had occurred and what was the reason the deceased committed suicide, hence, it is prayed that application be

allowed.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that the parents of the deceased have clearly mentioned that deceased was tortured and harassed by these applicants because of which she has committed suicide, hence, their application be rejected.
4. Heard both the parties and perused the case diary.
5. Deceased Kavita was second wife of applicant No.2 Rajkumar Sonwani. She committed suicide on 22.2.2019 by hanging herself. During morgue inquiry, the parents of the deceased have made statement that deceased was misbehaved, abused and thrashed by these applicants during her matrimonial life, that is why she has committed suicide. Hence, this case.
6. After considering the entire material present in the case diary, there is no witness to make statement as to what has happened soon before the incident, therefore, after due consideration, I am of this opinion that applicants deserve to be benefited with grant of 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 applicants 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha