

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1243 of 2019**

Chandraprabha Phuljhele, W/o. Late Shri Chandra Bhan Phuljhele, Aged About 60 Years, R/o. Ward No.02, Azaad Chowk, Gariyaband, Police Station And District Gariyaband Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station City Kotwali, Gariyaband, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raza Ali with Mohd. Afroz Athar, Advocates
For Respondent	: Ms. Akanchha Jain, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/09/2019**

1. Apprehending arrest in connection with Crime No.168/2019, registered at Police Station – Gariyaband, District – Gariyaband (C.G.) for offence punishable under Section 306 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary regarding commission of offence of abetment to commit suicide. The applicant is the Incharge Warden of the hostel in which the deceased was a resident. As the deceased had come to the hostel after completion of her leave of six days and she was late, therefore, the applicant has simply given her some advise for the reasons that the books were not available for her and she would have to purchase the same and thereafter, she committed suicide for which

the applicant is not at all responsible. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is evidence that this applicant had taken to task the deceased in a very hard manner because of which, she felt compelled to commit suicide, therefore, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, deceased Priyanka Nagesh aged 12 years came back and reported to hostel on 04.07.2019 after enjoying six days leave. It is stated in the FIR that the applicant, who is Warden of the same hostel scolded the deceased for coming late and also stated that the books were not available for the deceased and now she has to purchase the same from the market, therefore, the deceased went to her room and committed suicide by hanging herself.
6. Considered the submissions made and the contents of the case diary. Considering that only allegation against this applicant is this that she scolded the deceased for coming late and also about the non-availability of the books for her, which has been made a ground for abetment, therefore, after due consideration of all the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. It is directed that in the event of arrest of the applicant 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. The 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge