

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5168 of 2019

- Keshar Bai W/o Hajarilal Gupta Aged About 61 Years R/o Ratanpur, Police Station Ratanpur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ratanpur, District Bilaspur Chhattisgarh

---- Respondent

And

M.Cr.C. No. 5698 Of 2019

- Hajari Lal Gupta S/o Shri Shivnarayan Gupta Aged About 67 Years R/o Badi Bazar, Ratanpur, Police Station Ratanpur, District Bilaspur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Ratanpur, District Bilaspur Chhattisgarh

---- Respondent

For Applicants	: Mr. Amit Singh along with Mr. Aditya Sharma, Advocates.
For Non-applicant/State	: Ms. Akanksha Jain, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-09-2019

Heard.

1. As both these applications arise out of the same crime numbers i.e. Crime No.185/2019 registered at P.S. Ratanpur, District- Bilaspur (C.G.) for the offence under Section 306 r/w 34 of I.P.C., they are being decided by this common order.

2. M.Cr.C. No.5168 of 2019 has been filed by applicant Keshar Bai and M.Cr.C. No. 5698 of 2019 has been filed by applicant Hajari Lal Gupta for grant of regular bail under Section 439 of the Cr.P.C., they have been arrested on 18.05.2019 in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for the applicant that the applicants are in jail since 18.05.2019. No case is made out against these applicants regarding the commission of offence of abatement to commit suicide. There may be a case against the applicants for offence under Section 498A of I.P.C. As the death of the deceased is beyond 7 years of marriage, therefore, the presumption under Section 113A of Evidence Act would not be applicable in this case. Hence, it is prayed that these applicants be granted bail.
4. Learned counsel for the State/non-applicant opposes the application and submits that the deceased had on the very date committed suicide, she had filed a complaint in the police Station regarding abuses and cruel treatment by the applicants and the co-accused Sudhir Gupta and she has also mentioned of the same in her suicide note. Therefore, because of the cruel treatment given by the applicants, she has committed suicide. Hence, these applicants are not entitled for grant of bail.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the marriage of the deceased- Anjana Gupta took place on 28.01.2011 with co-accused Sudhir Gupta. It is alleged that soon after the marriage, the deceased was tortured and treated with cruelty on various pretexts, she was abused, threatened

and misbehaved. This kind of incident also occurred on the day she committed suicide on 16.05.2019. The deceased committed suicide by hanging herself. On that basis this F.I.R. has been lodged.

7. Considering that the death of deceased has taken place beyond 7 years of her marriage, therefore, the presumption under Section 113A of Evidence Act would not be applicable in this case. The applicants may accused of treating the deceased with cruelty and for torturing her. Therefore, this act on the part of the applicants is on offence under Section 306 of I.P.C. or not shall be scrutinized by the trial Court. Further, the charge-sheet has been filed after completion of investigation. Hence, under these circumstances, I feel inclined to allow this application.
8. Consequently, these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
9. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge