

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1551 of 2019

1. Shivkumar S/o Suklal Panariya Aged About 28 Years Caste Panika, R/o Village Bhedagarh, Police Station Kukdur, Tahsil Pandariya, District Kabirdham, Chhattisgarh.
2. Smt. Mamta Bai W/o Shri Shivkumar Panariya Aged About 26 Years Caste Panika, R/o Village Bhedagarh, Police Station Kukdur, Tahsil Pandariya, District Kabirdham, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kukdur, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/12/2019

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 72/2019, registered at Police Station Kukdur, Distt. Kabirdham (C.G.) for the offence punishable under Sections 306/34 of the IPC.
2. As per prosecution story, the applicants are the brother-in-law and Sister-in-law of deceased Parmeshwari. Prior four years of the incident, marriage between the applicant and the deceased was solemnized, out of their wedlock they have blessed with one daughter and on the date of incident, the deceased was pregnant.

On 19.04.2019, deceased committed suicide. According to the case of the prosecution, co-accused/husband had an illicit relationship with another lady and the applicants and other co-accused persons told the deceased to leave their house due to that the deceased committed suicide by consuming poisonous substance.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that all the allegation have been made against the husband/co-accused of the deceased. The applicants are only the brother-in-law and Sister-in-law of the deceased who are living separately. Prima Facie no case can be made out against them. The applicants are only the family members of co-accused/husband of the deceased, therefore, they have falsely been implicated in the crime in question. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by the learned counsel appearing for the parties and further considering the fact that the applicants are only the brother-in-law and Sister-in-law of the deceased who are living separately. Without further commenting on other merits of the case, in my considered opinion, the present applicant is entitled to grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer

arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge