

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1431 of 2018**

1. Ramnarayan, S/o. Ramsevak, Aged About 46 Years, Caste- Kevat,
2. Kunti Bai, W/o. Ramnarayan, Aged About 43 Years, Caste- Kevat,
3. Shivsharan, S/o. Ramnarayan, Aged About 22 Years, Caste- Kevat,
All R/o. Village- Bharridand, Tehsil and Police Station- Marwahi,
District- Bilaspur Chhattisgarh.

----Applicants**Versus**

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

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate
For Respondent	: Mr. Arun Shukla, G.A.
For Objector	: Mr. Akhtar Hussain, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/03/2019**

1. Apprehending arrest in connection with Crime No.139/2018, registered at Police Station – Marwahi, District – Bilaspur (C.G.) for offence punishable under Section 304-B/34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. The applicants have never tortured the deceased for any demand of dowry. Subsequent to the death of the deceased, her aggrieved father has made totally false allegation against these applicants, whereas, the deceased herself left the suicide note, in which she has not put any blame on these

applicants and on the contrary, she has requested that the applicants should not be harmed in any manner. In-fact the deceased was mentally perturbed because deformed child was born to her, therefore, she went under depression, which has resulted in her commission of suicide. 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. However, it is submitted that suicide note has been examined by the handwriting expert and he has reported that letter was written by the deceased herself.
4. Counsel for the objector submits that grounds raised by the applicants are without any basis. No mother can leave her deformed child and commit suicide, which can be considered by way of common logic. The suicide letter, which is contained in diary was not a specific document, which may have been written before the commission of suicide and the letter is also undated. Therefore, it may be fabricated evidence, which the applicants have prepared for their defence. Hence, for these reasons, the applicants are not entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The applicant No.3 married to the deceased Pooja in the year 2017 after having love affair without the consent of their family members. Later on, the families of both the parties agreed and marriage with rituals were also performed. The deceased committed suicide by hanging herself on 25.08.2018. In the inquest procedure, one diary

was seized from the room, where the deceased had committed suicide and on the same day, a written complaint was given by the father of the deceased making allegation that the deceased was subjected to cruel treatment for demand of dowry. The so called suicide letter in the diary has been examined by the handwriting expert and it has reported that the author of the sample handwriting and the letter in diary is the same person.

7. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case diary although the dispute has been raised regarding the suicide letter but report of handwriting expert is scientific evidence, which can not be simply ignored at this stage, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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 executing a personal bond in sum of Rs.25,000/- with one surety each 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 them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram