

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 76 of 2020

1. Harishankar S/o Ramprasad Aged About 38 Years R/o Kosir, Sarangarh, Raigarh, Current Address Ravishankar Shukla, Korba District Korba Chhattisgarh
2. Shriram Prasad S/o Jodhiram Sahu Aged About 65 Years R/o Kapisda, Kosir, Sarangarh, Raigarh, District Raigarh Chhattisgarh
3. Peelabai W/o Shriram Sahu Aged About 64 Years R/o Kapisda, P. S. Kosir, Sarangarh, Raigarh, District Raigarh Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Sarsiwa, District Baloda Bazar-Bhatapara Chhattisgarh

---- Respondent

For Applicants : Mr. C.R. Sahu, Advocate.

For Respondent/State : Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

13/02/2020

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. 385/2019, registered at Police Station Sarsiwa, Distt. Baloda Bazar-Bhatapara Chhattisgarh for the offence punishable under Sections 306 & 34 of the IPC.
2. After arguing at length, learned Counsel for the Applicants submits that he wants to withdraw the instant bail application with regard to applicant No. 1 Harishankar.
3. In view of the above submission, the instant bail application is dismissed as withdrawn with regard to applicant no. 1 Harishankar.

4. As per prosecution story, the name of the deceased was Parmila Sahu. Marriage between the deceased and applicant No. 1 was solemnized in the year 2011, out of their wedlock, they have blessed with two children. On 09.05.2018, the deceased committed suicide in her paternal house by pouring kerosene oil on her and set herself on fire. After morgue inquiry, on 20.11.2019 FIR has been registered. Allegedly, after marriage of the deceased, the applicants who were the husband, father-in-law and mother-in-law of the deceased used to harass and tortured the deceased due to that she committed suicide. On the basis of said background, offence has been registered.
5. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that Applicants No. 2 & 3 were the father-in-law and mother-in-law of the deceased and they were residing separately from the deceased. The deceased was residing with her husband/applicant no. 1 at Korba. The Counsel further submits that the deceased committed suicide in her paternal house and before a month ago from the date of suicide, she was staying in her paternal house. Only general allegations have been made by the family members of the deceased against applicants no. 2 & 3. Prima facie no case can be made out against applicants no. 2 & 3. Hence, it is prayed that applicants no. 2 & 3 may be granted benefit of anticipatory bail.
6. Per contra, learned counsel appearing on behalf of State opposes the bail application.
7. I have heard learned Counsel for both the parties and perused the case diary minutely.
8. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that only general allegations have been made against applicants no. 2 & 3. Main allegations have been made against the husband/applicant no. 1. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant

anticipatory bail to applicants no. 2 & 3.

9. Accordingly, the anticipatory bail application is allowed with regard to applicants no. 2 & 3.

10. It is directed that in the event of arrest, applicants no. 2 & 3 shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-

- I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-

(Arvind Singh Chandel)

Judge