

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 115 of 2020

- Savitri Thakur W/o Late Shri Lok Pratap Singh Aged About 28 Years R/o. Police Line, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Kotwali, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State	: Shri Devesh Verma, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

17/06/2020

1. The matter is heard through video conferencing.
2. First anticipatory bail application of the applicant was dismissed as not pressed vide order dated 19.12.2019 passed in MCRCA No. 1586/2019.
3. The Applicant has preferred the second bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 401/2019 registered at Police Station Kotwali, District – Raipur, (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
4. In this case there are total three accused persons. According to the case of the prosecution, applicant is the wife of deceased Lokpratap Singh. Dhir Singh and Smt. Hem Bai are the other co-accused persons who are the father-in-law and mother-in-law of the deceased respectively. Marriage between applicant and deceased was

solemnized on 15.05.2013 and out of their wedlock one daughter Aditi Thakur was born. In the intervening night of 16 & 17.9.2019, deceased committed suicide by hanging himself in his house. One suicidal note was found near dead body of the deceased. According to the suicidal note, present applicant and other co-accused persons used to torture the deceased, therefore, he committed suicide.

5. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case under Section 306 of I.P.C. is made out against present applicant as no ingredients as defined under Section 107 of I.P.C. is available in this case. He further submits that co-accused persons have already been granted bail by this Court vide order dated 19.12.2019 passed in MCRCA No. 1586/2019. Therefore, it is prayed that present applicant may also be granted benefit of anticipatory bail.
6. Learned Counsel appearing for the State opposes the bail application.
7. I have heard learned Counsel appearing for the parties.
8. Taking into consideration the submissions put-forth on behalf of the parties and considering the facts and circumstances of the case and on the same fact of evidence co-accused persons have already been granted bail by this Court, also there is no specific allegations made against present applicant, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
9. Accordingly, the bail application is allowed.
10. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, she shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. She shall also abide by all the following terms and conditions :

- (i) She 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 fact to the Court,
- (ii) She shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) She shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge