

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.475 of 2020**

Tripti Khare D/o Shri Pramod Kumar Khare Aged About 39 Years R/o Banchhor State Colony, Satyam Vihar, Mahadev Ghat Road, Sundar Nagar, Raipur, Tahsil And District Raipur, Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Jamul, District Durg, Chhattisgarh ---- **Respondent**

For Applicant	:	Mr. T.K. Jha, Advocate.
For Respondent/State	:	Mrs. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****22/06/2020**

Heard.

1. The applicant is apprehending her arrest in connection with Crime No.114/2020 registered at police station–Jamul, District Durg (C.G.) for alleged commission of offence under Section 306, 34 of IPC.
2. Case of the prosecution is that the deceased girl, who committed suicide was badly scolded by the present applicant on the allegation that the deceased committed theft of money, due to which, deceased felt highly insulted. It is also alleged that the parents of the deceased were called and they were also humiliated by present applicant by saying that their daughter, deceased was a thief and committed theft of money.
3. Learned counsel for the applicant submits that even if the entire contents of suicidal note are taken as it is, and the diary statement which have been collected during investigation, though the incident is unfortunate one, it hardly constitutes any element of abetment as defined under Section 107 IPC. The applicant was the warden. When complaint was made and the stolen currency note containing identity mark was recovered from the possession of the deceased girl, the applicant as warden, scolded her but that does not mean that she abetted commission of suicide. The deceased girl being highly sensitive, took extreme step of committing suicide.

4. On the other hand, learned counsel for the State opposes the prayer and submits that on the allegation that deceased was a thief and stolen money, the applicant not only scolded her in front of all but also called her parents to inform and disclosed. This incident resulted in serious agony and torture which led the deceased to commit suicide leaving behind a suicidal note, in which, she has stated regarding applicant scolding her.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the contents of the suicidal note, prima facie, there is considerable force in the submission of learned counsel for the applicant that even if the entire contents of the suicidal note are accepted on its face value, it is bereft of ingredient of commission of offence of abetment to commit suicide. Therefore, present is a fit case for grant of anticipatory bail. Accordingly, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that 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 her from disclosing such facts to the Court or to any Police Officer.
- (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

It is made clear that the observations are for the limited purposes of considering prayer for grant of anticipatory bail and shall not influence the trial Court in assessing oral and documentary evidence collected during trial.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E