

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 666 of 2020**

1. Neeraj Lalwani S/o Late Prakash Lalwani, aged about 24 years,
 2. Deepa Lalwani W/o Late Prakash Lalwani, aged about 50 years
 3. Pradeep Lalwani S/o Late Prakash Lalwani, aged about 22 years
- All are R/o Bagdehi Para Navapara, PS and Tehsil Abhanpur, District Raipur(C.G.)

---- Applicants**Versus**

State of Chhattisgarh through Station House Officer, Gobara, Navapara, District Raipur (C.G.)

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate
 For Respondent : Mr. Alok Nigam, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board**26/08/2020**

1. The matter is heard through video conferencing.
2. The applicants have filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 187/2020 registered at police station – Gobara, Navapara, District Raipur (C.G.) for the offence punishable under Section 306 read with 34 of the IPC.
3. In this case the name of the Deceased is Jivika Lalwani. Her marriage was solemnized with applicant No. 1 on 24/06/2018. On 11/12/2018, the Deceased committed suicide by hanging herself. Merg was lodged on 21/12/2018 by Manish Lalwani, brother-in-law of the Deceased.

Thereafter, on 28/05/2020, FIR has been registered by the police. It is alleged that after the marriage, the applicants used to treat the Deceased with cruelty, therefore, she had committed suicide.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. There is no material available on record on the basis of which, prima-faice offence under Section 306 of the IPC is made out against the applicants. He further submits that the FIR has been lodged after 2 ½ years of the incident. On what basis, FIR has been registered has not been clarified. Statements of the witnesses under Section 161 of the Cr.P.C have also been recorded in the month of June, 2020. The entire story of the prosecution is suspicious, therefore, prima-faice no case is made against the applicants. He prays to extend the benefit of anticipatory bail to the applicants.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and the fact that the FIR has been lodged after 2 ½ years of the incident and on what basis the FIR has been registered, is not specified, and further considering that the statements of the witnesses have been recorded after recording of the FIR, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on their furnishing a bond in the sum of Rs.10,000/- with one surety each 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, the accused/applicants shall make 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge