

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3772 of 2020**

- Smt. Leena Reddy W/o Late Ramnarayan Aged About 31 Years R/o Lane No. 27, Zone -2, Sector -11, Khursipar, Bhilai, Tehsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through P.S. Purani Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant : Shri Pushkar Sinha, Advocate
 For Respondent/State : Shri Sudeep Agrawal, Dy.AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/08/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.323/2019 registered at Police Station Purani Bhilai, District Durg for the offence punishable under Section 306/34 of the IPC. The applicant was arrested on 05-03-2020.

2. Prosecution case is that the present applicant was maintaining illicit relations with the co-accused-Suresh Malakar, husband of the deceased and due to this, there used to be quarrel between Suresh and the deceased wife and on 09-06-2019, in the morning, the present applicant gave a call to the deceased saying that she should leave her husband, this instigated the deceased-Geeta Malekar to commit suicide.

3. Learned counsel for the applicant submits that if entire case of the prosecution is taken as it is, it does not make out prima facie case of abetment to commit the offence. He would submit that even if it is accepted that the applicant was having illicit relations with Suresh and because of that act, there used to dispute between Suresh (husband of the deceased) and the deceased, that would not mean that the applicant abetted the deceased to commit suicide. It is also argued that even according to the dying declaration, the applicant had

given a call, but she was not physically present. Therefore, no case of abetment is made out. It is lastly submitted that in this case, investigation is complete, charge sheet has been filed and the applicant is not in a position to abscond or tamper with the prosecution witnesses, hence, she may be granted bail.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that according to the material contained in the charge sheet and the case diary, particularly dying declaration of the deceased, it is clear that husband of the deceased-Suresh was having illicit relations with the present applicant and that was the reason for quarrel between the husband and the wife. On the date of incident, the present applicant gave a call to the deceased, pressurizing her to divorce her husband and this was the main reason to commit suicide on that very date.

5. On prima facie consideration, it is found that involvement of the applicant is only on the basis that on the date of incident, the applicant gave a call to the deceased to give divorce her husband and the allegation of quarrel is between the deceased and her husband-co-accused-Suresh Malakar. The deceased has given dying declaration, in which, she states regarding telephone call made by the present applicant, whereafter, she committed suicide. In the present case, Co-accused Suresh Malakar has been granted anticipatory bail by this Court vide order dated 02-01-2020 passed in M.Cr.C.A No.1339 of 2019.

6. Taking into consideration the overall circumstances of the case and the material collected by the prosecution, particularly taking into consideration the ingredients for commission of offence as defined under Section 107 of the IPC, the present is a fit case for grant of bail, when investigation is complete, charge sheet has been filed and the applicant is not in a position to abscond or tamper with the prosecution witnesses.

7. Accordingly, the application is allowed. Considering that the applicant has been provided legal aid and she has poor financial means, it is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- to the satisfaction of the concerned trial Court on the condition that she shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge