

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1027 of 2020**

Payaljeet Kaur W/o Daljeet Singh, Aged about 37 years R/o Quarter No. 3C,
Street No. 13, Ward No. 42, Sector- 4 Bhilai Nagar, Tehsil & District Durg (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Police Station, Purani Bhilai, Distt. Durg (C.G.)

---- Respondent**AND****MCRCA No. 1123 of 2020**

Anamika Jain Shrivastava W/o Kamal Kumar Shrivastava, aged about 36 years
R/o Quarter No. 2C, Street No. 11, Sector-1, Bhilai Nagar, Tehsil and District
Durg, presently posted as Deputy Superintendent of Police, Senani 2nd
Battalion, Amleshwar Patan, Tehsil and District Durg (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Police Station, Purani Bhilai, Distt. Durg (C.G.)

---- Respondent

For Applicant in MCRCA 1027/2020 :	Mr. Anand Shukla, Advocate
For Applicant in MCRCA 1123/2020 :	Mr. Prasoon Agrawal, Advocate
For Objector :	Mr. Purnendra Khicharya, Advocate
For Respondent :	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**25/09/2020**

1. The matters are heard through video conferencing.
2. Since both the cases arise out of same crime number, therefore, they are being decided by this common order.

3. The applicants have filed these applications under Section 438 of the Cr.P.C for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 199/2020 registered at police station – Thana, Purani Bhilai, Distt. Durg (C.G.) for the offence punishable under Section 306/34 of the IPC.
4. The name of the Deceased is Sukhvinder, a married lady having a girl aged about 17 years. On 18/07/2020, she committed suicide by hanging herself. On 19/07/2020, husband of the Deceased made a report before the police station alleging therein that there was illicit relationship of the Deceased with the husband of applicant Anamika Jain. It is alleged that on 17/07/2020 at about 8:30 pm, the applicants came to the house of the Deceased and in front of family members, Jeth, Jethani and her daughter, the applicants abused the Deceased on her character. They also assaulted the Deceased in front of all the family members. Due to noise, neighbors of the Deceased also came there. The Deceased was also abused and assaulted in front of her daughter, due to this she committed suicide. It is alleged that applicant Payaljeet Kaur was present with applicant Anamika Jain and therefore, she was also involved in the said act.
5. Learned counsel appearing on behalf of applicant Payaljeet (in MCRC No. 1027/2020) submits that the applicant is innocent and has been falsely implicated in this present case. There is no allegation against this applicant. There is no material available on record on the basis of which it can be said that in any manner this applicant has instigated the Deceased, therefore, offence under Section 306 of the

IPC is not made out against this applicant. He prays to extend the benefit of anticipatory bail to this applicant.

6. Counsel appearing on behalf of applicant Anamika Jain submits that this applicant is innocent and has been falsely implicated in the present case. Since there was illicit relationship of the Deceased with her husband, therefore to settle the matter and on being invited by the husband of the Deceased, she had gone to the house of the Deceased on the date of incident. After talking some time, she came back. In the morning, the Deceased committed suicide. He further submits that since the fact of illicit relationship of the Deceased with the husband of this applicant brought into the knowledge of the family members of the Deceased, she committed suicide feeling her guilt. He further submits that if the entire case of the prosecution is taken as it is, yet no offence under Section 306 of the IPC is not made out against this applicant. Even the ingredients of Section 107 of the IPC regarding instigation for committing suicide is missing in the present case. He prays to extend the benefit of anticipatory bail to this applicant.
7. Learned counsel appearing on behalf of the State as well as for the Objector oppose the said applications. Referring the statements of Dhrishya, A. Kamla, Hari and Ritesh recorded under Section 161 of the Cr.P.C, it is submitted by the State counsel that there is sufficient material available on record on the basis of which, prima-facie offence under Section 306 of the IPC is made out against the applicants. He prays to reject the bail applications.
8. I have perused the contents of the FIR as well as the statements of

witnesses recorded under Section 161 of the Cr.P.C.

9. There is no dispute on the point that there was illicit relationship between the Deceased and husband of applicant Anamika Jain. From the statements of witnesses, it appears that on the date of incident i.e. on 17/07/2020 at about 8:30 pm, applicant Anamika who is police officer (DSP) had gone to the house of the Deceased along with applicant Payaljeet Kaur, and in front of all the family members and the daughter of the Deceased, applicant Anamika abused the Deceased. She also assaulted her in front of her daughter commenting bad on her character. Thereafter, the Deceased committed suicide. Considering the above aspects, in my considered view, there is sufficient material available against the applicant Anamika who being a police officer has instigated and humiliated the Deceased leaving her no option except to commit suicide, therefore, I am of the opinion that she is not entitled to get benefit of anticipatory bail.
10. Accordingly, MCRCA No. 1123/2020 is rejected. However, a liberty, as prayed by the counsel for this applicant, is granted that in the event of surrender of this applicant before the trial and Court and filing a regular bail application on her behalf, the said Court shall decide the bail application of this applicant, as early as possible.
11. With regard to applicant Payaljeet Kaur (MCRCA No. 1027/2020), there is no direct allegation. The only allegation against her is that she was present along with applicant Anamika Jain, therefore, in my considered view, it is a fit case to extend the benefit of anticipatory bail to applicant Payaljeet Kaur.

12. Accordingly, MCRCA No. 1027/2020 is allowed.
13. It is directed that in the event of arrest, applicant Payaljeet Kaur (MCRCA No. 1027/2020) shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:
- i. That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/applicant 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/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. The applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
14. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge