

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1901 of 2019

- Smt. Sharda Devi Singh W/o Tarkeswar Singh Aged About 55 Years
R/o Vaishali Nagar, Police Station Kusmunda, Tehsil Katghora,
District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kusmunda, District
Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anshul Tiwari, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/01/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as she is apprehending her arrest in connection with crime no. 385/2019, registered at Police Station Kusmunda, Distt. Korba, Chhattisgarh for the offence punishable under Section 306 of the IPC.
2. As per prosecution story, husband of the complainant namely Hiralal Kashyap had committed suicide on 18.12.2015. It is alleged that the applicant and other co-accused persons have not made payment of the work done by the deceased during the period 2009 to 2014 as Mason. On the basis of said background, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that

the applicant is innocent and she has been falsely implicated in the present case. He further submits that the incident is of the year 2015 and the FIR was lodged after four years of the incident i.e. 2019. Only general allegations have been made against the applicant, from the material available on record itself shows that no case under Section 306 of the IPC can be made out against the applicant. The deceased had taken loan from many persons and because of frustration, he committed suicide. The Counsel finally submits that other co-accused persons of the case have already granted benefit of regular bail by this Court. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the incident is of the year 2015 and the FIR has been lodged in the year 2019 and other co-accused persons of the case have already granted benefit of regular bail by this Court. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- 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 made 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.

Sd/-

(Arvind Singh Chandel)
Judge