

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 30 of 2020

- Shivangi Gupta, W/o Late Harsh Saheb Gupta, Aged About 28 Years
R/o S F - 579, C S B E Colony, Rampur, Chowki – Rampur, District –
Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police
Station - Kotwali, Korba, District - Korba Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Goutam Khetrapal, Advocate.
For Respondent/State	:	Mr. Sanjay Pathak, Panel Lawyer.
For Objector	:	Ms. Shivali Dubey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

11/02/2020

1. This is 2nd bail application of this applicant for grant of anticipatory bail.
His first application MCRC (A) No.1637 of 2019 was dismissed as
withdrawn with liberty to file application under Section 438 of CrPC
before the Sessions Court vide order dated 30.09.2019.
2. The applicant has preferred this bail application under Section 438 of
Cr.P.C. apprehending his arrest in connection with Crime No.478/2019
registered at Police Station-Kotwali, Korba, District – Korba(C.G.), for
the offence punishable under Section 306/34 of the Indian Penal Code.
3. It is submitted that applicant had filed application for grant of
anticipatory bail before the Sessions Court, which has been dismissed
by the order dated 5.12.2019, hence, this application.

4. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. She happens to be the wife of deceased Harsh Saheb Gupta. There had been a matrimonial discord and quarrel between the applicant and the deceased. The deceased has committed suicide for his own reasons and there is no such evidence present in the diary to make out that any kind of abetment was given to the deceased. There is also no mention of abetment in the suicide note based on which the offence is registered. Similarly placed co-accused have been granted interim relief in WPCR No.694/2019. Therefore, it is prayed that applicant may be released on anticipatory bail.
5. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence present in the case diary that this applicant has abetted commission of suicide by the deceased, therefore, applicant is not entitled for grant of anticipatory bail.
6. Learned counsel for the Objector after adopting the arguments submitted by learned counsel for State, opposes the bail applications and submissions made in this respect. It is submitted that there is evidence present to show that this applicant created such circumstances because of which the deceased felt compelled to commit suicide, therefore, she is not entitled for grant of bail
7. Heard both the parties and perused the case diary.
8. As per prosecution case, the applicant and the deceased got married in the month of April, 2018. Married life of the applicant with the deceased was not peaceful. It is alleged that the applicant had threatened the deceased to implicate him in a false case. Deceased

committed suicide on 27.3.2019 leaving a suicide note in which he has held the applicant responsible for his suicidal death.

9. Considered on the entire material present in the case diary, and also looking to the evidence that is proposed against the applicant, I am of this view that this is a fit case for grant of anticipatory bail to the applicant.

10. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge