

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No.87 of 2021

1. Smt. Shakuntala Dwivedi W/o Late Shri Suresh Dwivedi, Aged About 64 Years, R/o Devendra Nagar, Quarter No. 5/496, Ameri Road, Near CSE B Office, Police Station -Civil Line, Tahsil and District -Bilaspur, (CG).
2. Smt. Kiran Mishra W/o Late Shri Anil Mishra, Aged About 56 Years, R/o Shankar Nagar, Kumhari, Police Station – Kumhari, District -Durg (CG).

----Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station -Lalpur, District -Mungeli, (CG).

--- Respondents

For Applicants	: Mr. Abhishek Pandey with Ms. Laxmeen Kashyap, Advocate.
For Respondent-State	: Mr. Anand Verma, Dy.GA.
For Complainant (Rinku Panday):	Mr. S. S. Rathore, Advocate.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

25/03/2021

Heard.

1. Applicants have filed this bail application under Section 438 of the Cr.P.C. apprehending their arrest in connection with Crime No.60/2019 registered at Police Station -Lalpur, District -Mungeli, (C.G.), for the offence punishable under Sections 306 & 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that Amit Pandey (deceased) committed suicide by hanging herself. During the course of merged inquiry one suicidal note has been seized from the place on incident, based upon which aforementioned offences were registered against the present applicants.
3. Learned counsel for the applicants submits that crime against the present applicants is registered only on the basis of suicidal note but in the suicidal note there is no allegation of abatement to commit suicide, there is only mention of demanding share in the ancestral property by the present applicants being sisters of deceased. Applicants are old women

aged about 64 & 56 years, hence, they may be extended benefit under Section 438 of Cr.P.C.

4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicants and submits that there is specific material available in the case diary showing the conduct of present applicants by pressurizing the deceased demanding share in the ancestral property. He also referred the statement of Smt. Pooja Pandey, wife of deceased and submits that applicants are not entitled for benefit under Section 438 of Cr.P.C.
5. Learned counsel for the complainant submits that complainant is son of elder brother of deceased and he has lodged the FIR under pressure of his family members.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, age of applicants and the fact that suicidal only shows that applicants being real sisters were asking for their share in the ancestral property, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicants.
8. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the crime in question, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the 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) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-