

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 265 of 2021

- Sadanand Sahu, S/o Kunu Sahu Aged About 72 Years R/o Village Rasaunda, Police Station Basna, Tahsil And District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Tikrapara Raipur District Raipur Chhattisgarh

---- Respondent

AND

MCRCA No. 352 of 2021

1. Smt. Padmalata Sahu, W/o Sadanand Sahu, Aged About 65 Years R/o Village Rasaunda, Police Station Basna, Tahsil And District Mahasamund Chhattisgarh
2. Smt. Hema Pradhan, W/o Santosh Kumar Pradhan Aged About 39 Years R/o Shraddha Vihar, Boriyakhurd, Police Station Tikrapara Raipur District Raipur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tikrapara Raipur District Raipur Chhattisgarh

---- Respondent

For Applicants	: Shri R Pradhan, Advocate
For Respondent/State	: Shri Rakesh Sahu, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

01.04.2021

1. Applicants in both these applications are apprehending their arrest in connection with Crime No. 25 of 2021 registered at Police Station Tikrapara, Raipur, CG for commission of offence punishable under Section 306/34 of IPC.
2. Application filed under Section 438 of the CrPC has been dismissed vide order dated 02.02.2021 and 05.02.2021.

3. Case of the prosecution, in brief, is that, applicants are relatives of deceased Alka Sahu, who committed suicide on 03.01.2021.

4. Shri R Pradhan, learned counsel for the applicant submits that deceased Alka Sahu was wife of Shri Srikant Sahu, daughter-in-law of Sadanand Sahu, applicant in MCRCA-265 of 2021 and Smt Padmalata Sahu, applicant-1 in MCRCA-352 of 2021. Applicant-2 in 352 of 2021 is daughter of Padmalata Sahu. Alka Sahu committed suicide on 03.01.2021, during the investigation, Police seized a suicide note from the place of incident, wherein it is mentioned that she committed suicide on account of false allegation levelled on the character of her husband. He submits that in the suicide note, there is no allegation against the applicants regarding suspicion on the character of deceased, any ill treatment or harassment. He submits that relation of applicants with the deceased was cordial which is reflecting from some photographs placed on record. He further submits that allegation levelled by Srikant Sahu, husband, Snehlata and Taruni Sen Bhorl, parents of deceased Alka Sahu are not correct in view of suicidal note recovered by the Police from the place of incident. Suicidal note was recovered from the house where deceased was residing with her husband, child, in room closed from inside. Applicants are falsely implicated in the crime and in these circumstances, he prays that the applicants be extended benefit under Section 438 of CrPC.

5. On the other hand, Shri Rakesh Sahu, learned State counsel while opposing the submissions of learned counsel for the applicant, submits that, husband and parents of deceased Alka Sahu levelled specific

allegations that the applicants were suspecting character of deceased, hence, in view of this, they are not entitled for benefit under Section 438 of the CrPC.

6. I have heard learned counsel for the parties.

7. The suicide note recovered by the Police from the place of incident and its contents are not in dispute, she assigned very specific reason for committing suicide; the applicants/family members of Srikant, were suspecting on character of Srikant, there is no mention in the suicide note that applicants are suspecting upon the character of deceased, or any ill-treatment to her.

8. Considering the totality of facts and circumstances of the case, nature of allegations, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicants.

9. Accordingly, the application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question, they shall be released on anticipatory bail by the Officer arresting them on their executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:

(a) That the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;

(b) 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/them from disclosing such facts to the Court or to any Police Officer;

(c) That the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(d) That the applicants shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma