

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 376 of 2021**

1. Krishna Kumar S/o Shri Ramkhilawan Singh, A/o – 64 years, R/o village Aurabandha, Tahsil & District Mungeli (C.G.)
2. Bhawani Singh S/o Shri Balram Singh, A/o 30 years, R/o village Aurabandha, Tahsil & District Mungeli (C.G.)

---- Applicants**Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station – Sarkanda, District Bilaspur (C.G.)

---- Respondent

For Applicants	:	Mr. Anish Tiwari, Advocate.
For Respondent.	:	Mr. Vimlesh Bajpai, G.A.
For Objector	:	Mr. Sushobhit Singh, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/06/2021**

1. Proceeding through video conferencing.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No.167/2021 registered at Police Station – Sarkanda, Bilaspur (C.G.) for commission of the offence punishable under Section 306 of Indian Penal Code.
3. The prosecution case, in brief, is that deceased namely Vikram Singh (son of applicant No.1) committed suicide on 10.08.2020 by hanging himself. Subsequently, on 02.02.2021, the FIR has been registered against the applicants for the offence of abetment of suicide punishable under Section 306 IPC.

4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that no element of abatement of suicide has been found in the case. He also submits that the incident took place on 10.08.2020 and after about four months of the incident FIR has been lodged on 02.02.2021. He next submits that even if the entire allegation is taken as it is, no offence under Section 306 IPC is made out against the applicants.
5. Counsel for the State however opposes the application for anticipatory bail.
6. Learned counsel for the Objector opposing the anticipatory bail application submits that there is series of frequent incidents which lead to deceased to take such extreme step. He further submits that the objector was beaten and kicked out of her matrimonial house way back in the year 2007 and since then she was living with her only son Vikram Singh (deceased) at a rented house. He also submits that the objector had filed a case for maintenance, which was allowed, but the applicant No.1 refused to pay the same. That apart, a civil suit was also filed for declaration of title of his (deceased) share. The applicants with a malicious intention to deprive late Vikram Singh of his share in the ancestral property repeatedly harassed and tortured the objector and her son to withdraw the case. Therefore, anticipatory bail may not be granted to the applicants.
7. I have heard learned counsel for the parties and perused the record.

8. The material on the record would show that a case for maintenance was filed, which was allowed, and a civil suit was also instituted for declaration of title over the ancestral property by the son of applicant No.1 (deceased).
9. After hearing counsel for the parties and considering all relevant aspects of the matter, particularly the facts that the deceased was residing separately with his mother and civil suit was also filed for declaration of title over the ancestral property, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants.
10. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- - 25,000/- each with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicants shall make themselves available for interrogation/medical examination before the concerned 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 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.

Certified copy today itself.

Sd/-

(Rajani Dubey)
Judge

pkd