

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 964 of 2021**

- Ramkishan Jangde, S/o Mahesh Ram Jangde Aged About 29 Years R/o Village Devri, P.S. City Kotwali Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Through S.H.O. City Kotwali, Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh ---- **Respondent**

For Applicant : Shri Hemant Gupta, Advocate
For Respondent/State : Shri Sudhir Sahu, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

18.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 359 of 2021 registered at Police Station City Kotwali, Baloda Bazar, Bhatapara Chhattisgarh for commission of offense punishable under Section 306 of IPC.
2. Case of the prosecution, in brief, is that, deceased Ranjina married with applicant on 03.05.2017. After marriage, she was residing in her matrimonial home. On 29.05.2021, she committed suicide by hanging herself. Based on mereg intimation, FIR was registered on 29.06.2021 against the present applicant.
3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.
4. Shri Hemant Gupta, learned counsel for the applicant submits that from the wedlock of applicant with deceased, he blessed with two children, a girl aged about 4 years and a boy aged about one year. Deceased was suffering from some medical ailments. Once, deceased ill-treated her son by dragging

him to Courtyard from bedroom, upon which, applicant became angry and assaulted her, as per allegation. Looking to the act and attitude of deceased, treatment was provided by applicant and also by her parents. CT Scan of her skull, etc has also been taken during the course of medical examination of deceased by the doctor in different hospitals. He further submits that applicant was also suffering from some abdominal pain. She committed suicide in absence of elder person in house. Learned counsel also pointed out that as per allegation in FIR, there was only one incident of quarrel and assault by applicant, that too in the month of March, 2021, whereas, incident took place on 29.06.2021, much after the incident. There is no material to connect the applicant of abating deceased for commission of suicide. He submits that there is no one to take care of little children, aged about 4 years and one year, hence the applicant may be enlarged on bail under Section 438 of CrPC.

5. On the other hand, Shri Sudhir Sahu, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that there is specific allegation that applicant has quarreled and assaulted the deceased in the month of March, 2021. In Community meeting, applicant has also admitted his guilt. He also read over the statement of father, mother and other witnesses, who were present at the time of Community meeting, to submit that allegation of quarrel and *maar peet* in the month of March, 2021 was admitted by applicant himself. Upon putting specific query with regard to allegation levelled against present applicant of quarrel and assault to the deceased just prior to her committing suicide, he submits there is no such material available in case diary.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant; facts and circumstances of the case and nature of evidence available in case diary, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his 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 Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;
- b) 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE