

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1021 of 2021**

- Smt. Punam Singh Baghel W/o late Vinay Singh Baghel, aged about 29 years, Occupation- House wife R/o Vinoba Nagar, Boirdadar, Raigarh, police station Chakradhar Nagar, District Raigarh, Chhattisgarh

Presently R/o Village Bharkana, Police Station- Ghorawal, District Sonbhadra U.P.

-----Applicant

VERSUS

- State of Chhattisgarh through: the office in-charge of police station Chakradhar Nagar, District Raigarh, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Roop Naik, Advocate.
For Non-applicant- State	: Mr. Vimlesh Bajpai, Govt.Adv.

(proceedings through video conferencing)

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER**01/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as she apprehends her arrest in connection with Crime No. 450/2021 registered at Police Station Chakradhar Nagar, District- Raigarh (C.G.) for the offence punishable under Section 306 of IPC.
2. As per the case of prosecution, applicant married with deceased Vinay Singh Baghel on 14.05.2009. From their marital relationship they were blessed with two children. On 07.06.2021, husband of applicant committed suicide by hanging himself. Merg was intimated to concerned police station, thereafter, based on written complaint lodged by Shubham Singh Baghel, younger brother of deceased,

crime is registered against the applicant.

3. Mr. Roop Naik, learned counsel for the applicant would submit that the allegations have been levelled against the present applicant only to oust her from her share in the ancestral property. He submits that there was no dispute between applicant and deceased. At the time of merg enquiry no allegations were levelled against the applicant as appearing in written report. Written report was lodged with inordinate delay only on 02.07.2021. Applicant is a lady having two children, hence, she may be enlarged on anticipatory bail.
4. On the other hand, Mr. Vimlesh Bajpai, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that in the written complainant specific allegations are levelled by the younger brother of deceased that prior to date of committing suicide, late Vinay Singh Baghel, husband of applicant, has flashed message on whatsapp messenger making allegation against applicant that on account of her misdemeanor he is committing suicide. However, upon putting specific question with regard to recording of any statement during merg enquiry by the police, learned counsel submits that at the time of merg enquiry, the statement of Pushpendra Singh (cousin), Nikky Sidar, Bhupendra Singh, Suresh Pratap and Kuldeep Shukla (neighbors) were recorded but in their statements there is no such allegation against the present applicant. He submits that in the whatsapp messages there is no detail/ elaboration of allegations except the word misdemeanor.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations, the fact that

during merg enquiry no allegations, whatsoever, were made against her, written report was lodged only on 02.07.2021, without commenting anything on merits of the case, I am inclined to allow the bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (450/2021), she shall be released on anticipatory 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 arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make herself available for interrogation before the Investigation 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 her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge