

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1092 of 2021

- Smt. Neetu Sahu, Wd/o Late Tejprakash Sahu, Aged About 29 Years, R/o Village Borai, House No. 204, Police Station Pulgaon, Tahsil And District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Pulgaon, District : Durg, Chhattisgarh

---- Respondent

For Applicant	: Shri Purnendra Khichariya, Advocate
For Respondent/State	: Ms Anjali Singh Chauhan, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

16.09.2021

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. 96 of 2021 registered at Police Station Pulgaon, District Durg, Chhattisgarh for commission of offenses punishable under Sections 306 and 506 of IPC.
2. Case of the prosecution, in brief, is that, on 01.06.2020, Tej Prakash Sahu was found hanging with a tree near his house in the morning. His body hanging was seen by Bhumika Sahu, sister of deceased, while she was searching him. Incident was reported to concerned Police Station but Police has not taken any action till complainant Bhumika Sahu filed an application dated 30.07.2020 under Section 156(3) of CrPC before the Judicial Magistrate, First Class, Durg. Based on order passed by the Magistrate under Section 156(3) of CrPC, FIR was registered on 18.02.2021 for commission of offence under Sections 306 and 506 of IPC against applicant, who is wife of deceased.
3. Applicant, apprehending her arrest, filed this anticipatory bail application after rejection of her application by the Court below.

4. Shri Purnendra Khichariya, learned counsel for the applicant would submit that applicant is wife of deceased. Applicant got married on 22.04.2014 and there is one girl child aged about 6 years, out of their wedlock. Applicant is residing separately since January 2017 in her parents' house, aggrieved with the act of deceased. She is pursuing Nursing course. He submits that allegations made by Bhumika Sahu, sister of deceased are absolutely, false and frivolous. In the statement of independent witnesses recorded by the Police during investigation, none of them has levelled any allegation as alleged by Bhumika Sahu and Hemlata Sahu. Deceased on account of death of his mother in the month of May, 2020, was not in good mental condition and was in depression, that is the reason of taking unfortunate step by him. Deceased committed suicide due to his own problems. He submits that applicant is a lady, residing separately with her parents since 2017, having a girl child aged 6 years and pursuing Nursing course, hence she may be enlarged on anticipatory bail under Section 438 of CrPC.

5. On the other hand, Ms Anjali Singh Chouhan, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that complainant Bhumika Sahu after the incident, has lodged written report to Superintendent of Police of concerned Police Station on 30.07.2020 but no action was taken on her complaint. Thereafter, she filed an application under Section 156(3) of CrPC before the Judicial magistrate and only after that FIR was registered on 18.02.2021. He submits that in the statement of Bhumika Sahu and Hemlata Sahu, there are specific allegations with regard to ill treatment and harassment of deceased and also commenting on him that 'he shall also die'. He submits that on

31.05.2020, when applicant came to the house of deceased to attend last rights ceremony of her mother-in-law, at that time also applicant had quarreled with deceased on roof of his house. There is material and evidence to connect the applicant in instant crime. However, on a specific query with regard to statement of any independent witness recorded by the Police during the course of investigation, she submits that about more than 10 other persons statements have been recorded during the course of investigation and in statement of one Ishwar Yadav, it has come that deceased was frustrated on account of living of his wife in her parents house. She submits that other independent witnesses have not levelled any allegations as levelled by complainant Bhumika Sahu and Hemlata Sahu.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicant, material and evidence available in case diary, applicant is residing separately in her parents' house since January, 2017, she is having girl child aged about 6 years, without commenting anything on merits of 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

padma