

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7648 of 2020

1. Usha Devi W/o Ramjatan Aged About 50 Years R/o Orgai, Police Station And Tahsil Sonhat , District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Chandra Prakash S/o Ramjatan Aged About 26 Years R/o Orgai, Police Station And Tahsil Sonhat, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Charcha, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicants	:	Shri HAPS Bhatia, Advocate under instructions from Shri Anil Gulati, Advocate
For State	:	Shri Amit Verma, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/01/2021

Heard.

1. The applicants are arrested in connection with Crime No.99/2020 registered in Police Station- Charcha, District- Koriya (CG) for alleged commission of offence under Sections 498-A, 306, 120-B IPC.
2. Case of the prosecution, in brief, is that the deceased was married to applicant No.2- Chandra Prakash three years prior to date of commission of suicide and after marriage, she was being harassed by her husband as well as mother-in-law. It is alleged that the applicants were harassing and they were not prepared to keep the deceased in the matrimonial house and she was

unceremoniously shunted out, due to which, she committed suicide in the parental house.

3. Learned counsel for the applicants would submit that the allegation against the applicants are false and afterthought. He would submit that after death of deceased, on 4.10.2019, morgue intimation was recorded at the instance of FIR informant/Uncle of the deceased, in which, the only allegation is that there was some quarrel with the husband, due to which, deceased left the matrimonial house and came to parental house. There is no whisper of any allegation against applicant No.1- Usha Devi, the mother-in-law. FIR was registered long after the morgue inquiry, as late as on 27.7.2020 and for the first time in this FIR, mother-in-law has also been involved and exaggerated allegation have been leveled against the husband and all the witnesses have given their statements under Section 161 Cr.P.C. to make out an afterthought story of harassment and compelling the deceased to leave the matrimonial house despite intervention of the community meetings. It is also submitted that investigation is complete and charge sheet has also been filed and the applicants are in jail since 7.8.2020, therefore, at this stage, they may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application by submitting that not only the maternal uncle/informant of the case, but there are independent witnesses, the villagers, who were present in the meeting organized to settle dispute between the deceased and her husband and in-laws, who have stated that present applicants were harassing her and despite all advice they were not prepared to allow the deceased to live in the matrimonial house and because of this cruel, torturous behaviour standing over a long time, the deceased committed suicide. Therefore, prima facie case of abetment is made out against the applicants.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the allegation of harassment is mostly against the husband which is reflected from morgue intimation dated 4.10.2019 and that the name of mother-in-law has been involved for the first time in the FIR which was registered as late as on 27.7.2020, application of **applicant No.1- Usha Devi**/mother-in-law is

allowed. However, the application of applicant No.2/husband is rejected.

6. It is directed that applicant No.1- **Usha Devi** shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) 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/-
(Manindra Mohan Shrivastava)
Judge

Praveen