

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1245 of 2021**

1. Kavita Verma W/o Shri Upendra Verma aged about 33 Years R/o House No. 11, Sipat Road, Mopka Chowk, Crystal Villa, Street-1, Near Gulab Nagar, District Bilaspur Chhattisgarh.
2. Upendra Kumar Verma S/o Shri Radhe Lal Verma aged about 37 Years R/o House No. 11, Sipat Road, Mopka Chowk, Crystal Villa, Street -1, Near Gulab Nagar, District Bilaspur Chhattisgarh.

-----Applicants**VERSUS**

- State of Chhattisgarh through: the Station House Officer, Police Station Utai, District Durg, Chhattisgarh

-----Non-applicant

For Applicants : Mr. Avinash Chand Sahu, Advocate
 For Non-applicant- State : Mr. Shrikant Kaushik, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****06/10/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 291/2021 registered at Police Station Utai, District-Durg (C.G.) for the offence punishable under Section 306 of IPC.
2. Case of the prosecution is, that Ravindra Verma, maternal uncle of applicant No. 1 and maternal uncle-in-law of applicant No. 2 committed suicide by hanging in his farm house on 06.08.2021. In merg enquiry one suicidal note was recovered from the spot based on which crime was registered against Himanshu Sharma. During the course of investigation name of applicants along with other co-accused person have been stated by witnesses who are father and wife of deceased in the statement recorded under Section 161 of CrPC.

3. Mr. Avinash Chand Sahu, learned counsel for the applicants would submit that applicants have been falsely implicated in the crime. In the suicidal note names of present applicants are not mentioned, FIR was also not registered against present applicants. There was some property dispute between Kisan Lal, maternal grand-father of deceased and Hileshwari, mother of applicant No. 1. Said property recorded in the name of mother of applicant No. 1 was sold by maternal grant-father in which deceased was one of the witnesses. Applicants have not demanded any money nor there is any such allegation against them but they have been implicated in the crime only because they used to visit house of maternal grand-father of applicant 1 along with Hileshwari, mother of applicant No. 1. He also pointed out that other family members, Smt. Hileshwari, mother and Om Prakash Verma, father of applicant 1, were already enlarged on anticipatory bail.
4. On the other hand, Mr. Shrikant Kaushik, learned State counsel opposes the submissions made by learned counsel for the applicants and submits that initially in the FIR name of present applicants are not mentioned but it has come in the statement of witness recorded under Section 161 of CrPC, hence, there is involvement of applicants in the crime.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, nature of allegations, submission made by learned counsel for the parties, documents placed on record along with bail application and also considering that other co-accused persons ie. Smt. Hileshwari, sister of deceased and Om Prakash Verma, brother-in-law of deceased have been enlarged on anticipatory bail in MCRCA No. 1091/ 2021 and MCRCA No.

1131/2021, without commenting anything on merits of the case, I am inclined to allow this bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question (291/2021), they shall be released on anticipatory bail by the Officer arresting them on their executing a personal bond in the sum of Rs. 25,000/- each with surety in the like sum to the satisfaction of the concerned arresting Officer. Applicants shall also abide by the following conditions:

- (i) that the applicants shall make themselves available for interrogation before the Investigation 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 so 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 him by the said Court till disposal of the trial.

Sd/-

(Parth Prateem Sahu)

Judge