

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1634 of 2020**

1. Umeshwari Sahu W/o Dinesh Sahu Aged About 26 Years R/o Singdai Ward No. 50, Tahsil And District Rajnandgaon Chhattisgarh.
2. Chintaram Sahu S/o Kritik Ram Sahu, Aged About 58 Years R/o Singdai Ward No. 50, Tahsil And District Rajnandgaon Chhattisgarh.
3. Rameshwari Sahu, D/o Chintaram Sahu, Aged About 27 Years R/o Singdai Ward No. 50, Tahsil And District Rajnandgaon Chhattisgarh.
4. Kunwar Kanhaiya Sahu, S/o Sanpat Ram Sahu Aged About 24 Years R/o Village Kotra, Bandha Bazar Tahsil Ambagarh Chowki District Rajnandgaon Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Lalbagh, O.P. Tumdiboad District Rajnandgaon Chhattisgarh

---- Respondent

For Applicants : Mr. Aditya Bhardwaj, Advocate.
 For Respondent. : Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/03/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No.388/2020 registered at Police Station - Lalbagh, O.P. Tumdiboad, District Rajnandgaon (C.G.) for commission of the offence punishable under Section 306/34 Indian Penal Code.
2. The prosecution case, in brief, is that deceased Dinesh, husband of applicant No.-1, committed suicide by consuming poison and also left a suicide note alleging in it that he was

harassed by his wife and her relatives and also threatened him to implicate in a false case. Based on this, the offence has been registered against the applicants under Section 306/34 of IPC

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the deceased used to ill-treat the applicant No.1 under the influence of liquor and a document i.e. compromise letter (Annexure A-2), had also been executed which clearly demonstrate this fact. In the document A-2, the deceased himself had admitted the fact that he used to ill-treat his wife and also assured not to reiterate the same in the future. Learned counsel also submits that despite the compromise (A-2), the deceased again started assaulting applicant No.1 and expelled her from matrimonial house.
4. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that there is suicide note in the case written by the deceased naming the applicants that he was harassed by them and because of their act, he took such extreme step.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the compromise letter (Annexure A-2), without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants.
6. Accordingly, the application is allowed. It is directed that in

the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation/medical examination before the concerned investigating 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 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 them by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge