

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 8358 OF 2021

Smt. Seema Singh W/o Bharat Singh, aged about 25 years, R/o village Sendur P.S. Ramanujganj, Distt. Balrampur-Ramanujganj (CG).

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Balrampur, Distt. Balrampur-Ramanujganj (CG)

... Respondent

MISC. CRIMINAL CASE NO.8362 OF 2021

Balmavati W/o Ashok Singh, aged about 40 years, R/o village Alakhdiha P.S. Ramanujganj, Distt. Balrampur-Ramanujganj (CG).

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Balrampur, Distt. Balrampur-Ramanujganj (CG)

... Respondent

For Applicants	:	Shri A.N. Pandey, Advocate.
For Respondent-State	:	Shri Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.12.2021

1. Since both the bail applications arise out of a same Crime No.182/2021, they are being disposed of by this common order.
2. These are the first bail applications seeking for grant of bail to the Applicants who are in jail since 06.10.2021 in connection with Crime No. 182 of 2021 registered at Police Station Balrampur, Distt. Balrampur-Ramanujganj for the offence punishable under Section 305/34 IPC.
3. As per prosecution case, the applicants herein Smt. Seema Singh and Balmavati (Sister and Mother of Bharat Singh) are said to have abated the deceased Parvati to commit suicide on 24.08.2021. It is said that the deceased has committed suicide on 24.08.2021 by hanging herself in her

own house. The reason for commission of suicide is the refusal to the proposal of marriage put forth by the deceased by the applicants. It is a case where Bharat Singh and the deceased is said to have been some sort of love affair/relationship for quite sometime and the deceased wanted Bharat Singh to get married with her and for which she has been pressurizing Bharat. The age of Bharat Singh from the case diary seems to be 16 years whereas, the age of deceased at the time of incident was 17 years i.e. deceased was elder to Bharat Singh.

4. It is case of the prosecution that both the applicants i.e. sister and mother of Bharat Singh had been opposing the relationship and had also refused to get the two married and have also tried to persuade the deceased from detaching herself from the relationship that she was having with Bharat Singh. The prosecution states that in between there was a statement made by the applicants to the deceased as to "Go and Die" and that they would not permit Bharat Singh to get married to the deceased. This led to the deceased committing suicide.
5. Learned counsel for the applicants submits that plain perusal of the contents of case diary itself would show that necessary ingredients for making out a case under Section 305 IPC is not available inasmuch as no strong proof of abatement is available on record.
6. On the other hand the State counsel submits that it is a case where the deceased was a minor and that she was scolded by the applicants and had also being told to "Go and Die" by the applicants and thereafter the deceased is said to have committed suicide. This version of the prosecution has also been supported by other witnesses.
7. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that Bharat

Singh was aged about 16 years and the deceased was aged about 17 years at the time of incident, this Court is of the opinion that these are fit cases where the Applicants can be enlarged on bail.

8. Accordingly, both the applications for grant of bail are allowed. It is directed that the Applicants Smt. Seema Singh and Balmavati shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with two sureties of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge