

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 14 of 2021**

- Maiti Bai W/o Sukhlal Panika, aged about 62 years, R/o village Bhedagarh, Police Station Kukdur, District Kabirdham (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, District Kabirdham (C.G.)

---- Respondent

For Applicant	:	Mr. Sushil Dubey, Advocate.
For Respondent.	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending her arrest in connection with Crime No.72/2019 registered at Police Station – Kukdur, District Kawardha (Kabirdham) (C.G.) for commission of the offence punishable under Section 306/34 of Indian Penal Code.
2. The prosecution case, in brief, is that the present applicant is mother-in-law of the deceased. Prior to four years, marriage of deceased Parmeshwari was solemnized with co-accused Naresh Panriya, and while the deceased was pregnant, co-accused Naresh Panriya had kept one lady namely Parvati in his house. Co-accused/husband had an illicit relation with Parvati and the present applicant along with co-accused persons harassed the deceased to leave their house and due

to this she committed suicide by consuming poisonous substance. Based on this, the offence has been registered against the applicant under Section 306/34 of IPC.

3. Learned counsel for the applicant submits that the applicant is lady aged about 62 years and she has been falsely implicated in the crime in question. He further submits that the incident took place on 19.04.2020 and the FIR was lodged on 16.08.2020. There is inordinate delay in lodging the FIR. He also submits that other co-accused persons, who are brother-in-law and sister-in-law of the deceased, have already been granted anticipatory bail by this Court vide order dated 09.12.2019 passed in MCRCA No.1551/2019. Therefore, the present applicant may also be granted anticipatory bail.
4. On the other hand, learned State counsel opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the fact that applicant is 60 years old lady, other co-accused persons have already been granted bail by this Court vide order dated 09.12.2019 passed in MCRCA No.1551/2019, 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 applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, she shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- 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 applicant shall make herself available for interrogation/medical examination before the concerned investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant 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