NIRMALA RAO

CGHC010363372026 2026:CGHC:43067

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8703 of 2026

1 - Manjita Gupta D/o Vijay Gupta Aged About 18 Years Occupation Student, R/o House No. 204, Near Chabutara, Dindayal Colony, Dhimrapur, P.S. City Kotwali, Tahsil And District Raigarh (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Thana In-Charge, P.S. City Kotwali, District Raigarh (C.G.)

... Respondent(s)

For Applicant	:	Shri Rajendra Tripathi, Advocate.
For Non-Applicant/State	:	Ms. Monika Thakur, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

5.10.2026

1) This is the first bail application filed under under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.458 of 2026 registered at Police Station City Kotwali, District Raigarh, Chhattisgarh for the offence punishable under Section 108 of BNS.

2) As per the case of the prosecution, on 30.5.2026, the present applicant, on account of some dispute, told the deceased to go and die, and subsequently, his wife committed suicide by hanging herself on the same date. Merg intimation was lodged by the father of the deceased, and subsequently, an FIR was registered for commission of the offence as stated above.

3. Learned counsel for the applicant would submit that there was a quarrel between the parties, during which the applicant used abusive language and told the deceased to go and die. He would submit that the phrase “go and die”, even if accepted, would not constitute the ingredient of instigation. He would contend that the ingredients of Section 305 of the BNS are not made out. He would submit that the applicant has been in jail since 25.8.2026 and that the conclusion of the trial is likely to take considerable time. Therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the present applicant instigated his wife to commit suicide. She would submit that there is a specific allegation that the present applicant directly strangulated the deceased and also told her to go and die. She would submit that there is sufficient material against the present applicant and, therefore, the present applicant is not entitled to be granted bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Having considered the fact that the applicant herein, knowing well the consequences of his words, told the deceased to go and die, and that

the words uttered by the applicant would, prima facie, not amount to instigation, the Hon'ble Supreme Court, in the matter of **Sanju @ Sanjay Singh Sengar v. State of M.P.**, reported in **(2002) 5 SCC 371**, while dealing with a similar allegation, in paragraph 9, held as under:

> "9. In *Swamy Prahaladdas v. State of M.P. & Anr. , 1995 Supp. (3) SCC 438*, the appellant was charged for an offence under Section 306 I.P.C. on the ground that the appellant during the quarrel is said to have remarked the deceased 'to go and die' . This Court was of the view that mere words uttered by the accused to the deceased 'to go and die' were not even prima facie enough to instigate the deceased to commit suicide."

Further, considering the fact that the applicant is in jail since 25.8.2026 and the conclusion of the trial may take some time, therefore, this Court is of the view that the applicant is entitled to be released on bail in this case.

7) It is directed that in the event of the applicant executing a personal bond for a sum of **Rs. 50,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

(a) he shall make himself available for interrogation by the police officer as and when required;

(b) he 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 from disclosing such fact to the Court; and

(c) he shall not act in any manner which will be prejudicial to a fair and expeditious trial.

The observation made hereinabove is for the purpose of deciding this bail application only, the learned trial Court shall decide the case on its own merits.

Sd/-
(Rakesh Mohan Pandey)
Judge

Nimmi