
(2015) 01 CHH CK 0012
In the Chhattisgarh High Court
Case No : Criminal Appeal No. 1017 of 2014

Tirath Ram Sahu

APPELLANT

Vs

State of C.G.

RESPONDENT

Date of Decision : 12-01-2015

Acts Referred:

Penal Code, 1860 (IPC) — Section 306, 34

Citation : (2015) 1 CGLJ 593

Hon'ble Judges : Manindra Mohan Shrivastava, J.

Bench : Single Bench

Advocate : Ashok Verma, for the Appellant; Sunita Jain, Panel Lawyer,
Advocates for the Respondent

Final Decision : Allowed

Judgement

Manindra Mohan Shrivastava, J.—Heard on I.A. No. 1, application for grant of bail and suspension of sentence. Learned counsel for the appellant submits that the conviction of the appellant for commission of offence under Section 306 read with Section 34 of IPC has been made by completely ignoring the testimony of prosecution witness who had recorded the statement (Ex. D. 1) of deceased Gita Bai wherein Gita Bai stated that her in-laws are quarreling for the reasons that she is not going to field and on 09.10.2013 in the morning, the father-in-law and mother-in-law had quarreled with her as to why she is not going to work to the field due to which she felt harassed and then consumed insecticide in the night due to family dispute. He submits that as Gita Bai died soon after giving this aforesaid statement, the statement has to be treated as dying declaration. According to this statement, the deceased committed suicide because there was quarrel going on as she was not going to agriculture field for working. Learned counsel for the appellant submits that even if it is accepted, no case for commission of offence 306 is made out against the appellant moreover when the immediate cause of death as stated in the statement of the deceased is quarrel which took place between her on one hand and mother-in-law and father-in-law

on the other hand. It is submitted that the appellant has undergone more than one year of imprisonment and in these circumstances, he may be granted bail.

2. Learned counsel for the State opposes the prayer for grant of bail and submits that the prosecution witnesses particularly prosecution witnesses (P.W. 1) father, (P.W. 2) mother, (P.W. 3) Kotwar, (P.W. 4) brother and other witnesses have stated that the deceased was being subjected to harassment and cruelty in the matrimonial house by all the members of the family, because of which, she ultimately committed suicide, therefore, a case of abatement to commit suicide is made out against the appellant. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement (Ex. D-1) of the deceased recorded by (P.W.-12), Imanvel Khalso, Head Constable, the application is allowed. The appellant shall be released on bail on furnishing a personal bond of Rs. 25,000/- along with two sureties of the like amount to the satisfaction of the Trial Court for his appearance before the concerned Trial Court on 25/02/2015 and on all such further dates as may be directed during the pendency of this appeal.