
(2013) 04 SHI CK 0052

High Court of Himachal Pradesh

Case No: Cr. MP (M) No. 164/2013-D

Smt. Vidya Sharma

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision: April 2, 2013

Hon'ble Judges: Sanjay Karol, J

Bench: Single Bench

Judgement

Sanjay Karol, J.

Shri Virender Kumar (co-accused) son of petitioner (Smt. Vidya Sharma) was married to Smt. Rajnish Kumari (deceased) on 4.3.2000. From the wedlock, one son was born on 23.9.2005. On 28.1.2013, undisputedly Smt. Rajnish Kumari committed suicide by hanging herself with a Dupatta from the roof in the house of her father. She was rushed to the hospital where she was declared dead. Police was informed; postmortem was conducted and statement of Shri Surinder Sharma, father of the deceased was recorded by the police. Dead body was handed over to the parents of the deceased and the body was cremated. Only on 11.2.2013, the father of the deceased lodged a complaint, implicating the petitioner, with the police at Police Station, Sadar, District Mandi enclosing a suicide note allegedly written by deceased. There are allegation of cruelty committed by the members of the family. Based on the same, police registered F.I.R. No. 41/13 dated 11.2.2013 under Sections 498-A, 306, 34 IPC, Police Station, Sadar, District Mandi against the petitioner as also the family members. The police machinery was set into motion and the Investigating Officer recorded statement of the father of the deceased as also her brother, u/s 161 of Cr.P.C. As per the statement of the father, deceased had been staying with him for more than one month. Apprehending arrest, the present petitioner being mother-in-law of the deceased filed instant petition on 4.3.2013. The matter came up before the Court on 5.3.2013, when interim order was passed to the effect that in the event of arrest, petitioner be enlarged on interim bail in connection with the aforesaid offences. The Court also directed the petitioner to join investigation as and when called for by the police. The matter was adjourned for 14.3.2013 and the

interim order was extended.

2. It is not in dispute that during the course of investigation, petitioner has joined investigation and fully cooperated.

3. There is no doubt that an F.I.R. with regard to a very serious and heinous crime has been registered against the petitioner. I have perused the status report as also the record produced by the Investigating Officer, A.S.I. (Shri Swaran Roop Singh), Police Station, Sadar, District Mandi. Record reveals that petitioner has been fully cooperative during the course of the investigation. It is also a matter of fact that on 28.1.2013, no grievance was made by the father of the deceased or any member of her family against the present petitioner with regard to any alleged acts of cruelty, dowry demand etc. It is brought to my notice that investigation is almost complete and Challan is likely to be filed in the near future.

4. No doubt a lady committed suicide, but then the culpability of the accused has to be ascertained during trial. In the given facts and more particularly the statement of the father recorded on 28.1.2013 and 11.2.2013 as also the contents of the suicide note which is undated, petitioner has prima facie made out a case for grant of bail.

5. This Court has taken into account the nature of accusation, the severity of punishment in case of conviction and the material so far collected by the prosecution during investigation. I am of the considered view that there is no apprehension made out by the State that in the event of the petitioner being enlarged on bail, she would tamper with the witnesses or extend any threats to the complainant. There is no probability of the petitioner abusing his liberty nor would she interfere or in any manner impede with the course of justice. Petitioner is also not likely to flee from justice. She, through her learned counsel, undertakes to make herself available during the course of investigation, if required, as also during trial, if any.

6. Having taken into consideration the overall attending circumstances, the petitioner has been able to show that there is reason to believe that the threat of arrest is imminent.

7. For all the aforesaid reasons, interim order dated 5.3.2013 is made absolute. The petitioner shall be on bail till such time Challan is presented in the Court for trial where after she shall approach the Court for regular bail, in accordance with law. Needless to add, during this period petitioner shall fully comply with all the statutory conditions laid down under the provisions of Section 438 of the Cr.P.C. As a matter of abundant caution, it is clarified that petitioner shall neither tamper with the evidence nor try to influence the witnesses. She shall make herself available for investigation as and when required by the Investigating Officer. She shall not leave the country without prior permission of the Court. Any observation made herein above shall not be taken as an expression of opinion on the merits of the case and the trial Court shall decide the matter uninfluenced by any observation made herein

above.

With the aforesaid observations, present petition stands disposed of.

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