

IN THE HIGH COURT OF UTTARAKHAND AT

NAINITAL

2nd Bail Application No. 15 of 2019

Smt. Tanuja Chauhan applicant

Versus

State of UttarakhandRespondent

Mr. M.S. Pal, Senior Advocate, assisted by Mr. Amit Kapri, Advocate for the accused applicant.

Mr. P.S. Bohra, AGA, for the State.

Mr. S.K. Mandal, Advocate, for the informant.

Hon'ble N.S. Dhanik, J. (Oral)

Having been implicated in Case Crime No. 01/2018 for the offence under Section 306 IPC, registered with Patti Aadichaura, Tehsil Didihat, the applicant is in jail. Her earlier bail application was rejected on merit by this Court on 14.1.2019.

Learned Senior Counsel for the accused applicant contends that the applicant is a woman; she is the wife of the deceased; she is in jail since last six months; and she works in ITBP. He further contends that there is no suicide note in the present case and the report from the FSL has also not come. He also contended that in a case of abetment of suicide, there must be intention on the part of the accused that the victim should die, while the present accused applicant had no such wish. The decision of a person to end his life cannot always be misunderstood as abatement. He further contends that it is not abetment within the meaning of Section 306 IPC read with Section 107 IPC. Learned Senior Counsel would submit that these grounds were not raised earlier.

Learned State Counsel submits that the chargesheet has already been submitted against the accused applicant and the trial is going on.

Learned Counsel for the informant also opposed the bail application and argued that there is no new ground to consider the second bail application of the accused.

Considering the overall facts and circumstances of the case and also considering that the applicant, who is woman, is languishing in jail since last six months and the trial has already commenced and three prosecution witnesses has already been examined and two more prosecution witnesses are to be examined on coming Monday (18.3.2019), the Court is of the view that the applicant deserves bail at this stage.

Consequently, the bail application is allowed. Let the applicant be released on bail on her furnishing a personal bond and two sureties, each in the like amount, to the satisfaction of Court/Magistrate concerned.

(N.S. Dhanik, J.)

15.03.2019

Prabodh