

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.682 of 2022

Tafseel ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Sandeep Kothari, Advocate for the applicant.
Mr. Ranjan Ghildiyal, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Tafseel is in judicial custody in Case Crime/FIR No. 455 of 2021, under Section 306 IPC, Police Station Rudrapur, District Udham Singh Nagar. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant and the victim were married in the year 2008. The victim could not get a child, therefore, the applicant and other family members would taunt her and did commit *maar-peet* with her. The informant who is father of the victim, in fact, according to the FIR did give some money to the applicant. Finally, on 28.07.2021, the landlady of the victim, informed the informant that the victim has died.

4. Learned counsel for the applicant would submit that it is not a case of abetment to suicide. He would refer to the statement of the landlady of the victim, which reveals that the victim and the applicant do often take quarrels on petty things and the victim would tell that she would kill herself. Even on the date of incident also, according to the landlady, the victim was vomiting and when she was asked by this witness, she told that she had consumed some powder. It is the applicant, who took her to the hospital.

5. Learned State counsel would submit that independent witness Mehboob Miyan and Rashid have stated that the applicant would cause physical assault to the deceased.

6. If there is a dispute between the husband and wife and there is a quarrel between them, in all such cases, if the wife commits suicide, it cannot be said that the husband has abetted to suicide. Abetment is something more than mere day-to-day quarrel or fight on small issues between the couples. It is defined under Section 107 IPC, which includes, instigation, intentional aid or conspiracy. If a person by his conduct makes the existence of some other person worthless, and such person commits suicide, it may under certain circumstances, be said that suicide is abetted.

7. In the instant case, parties were married in the year 2008. The landlady has stated that the parties would often take up fights. She has also stated as to what had happened on the date of incident, as narrated hereinbefore.

8. Having considered the entirety of facts, this Court is of the view that the applicant deserves to be enlarged on bail.

9. The bail application is allowed.

10. Let the applicant Tafseel be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the satisfaction of the Court concerned.

(Ravindra Maithani, J.)
31.08.2022

Jitendra