

Rita Singh @ Rita Devi Vs. State of Jharkhand

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SooperKanoon Citation : sooperkanoon.com/516235

Court : Jharkhand

Decided On : Mar-19-2008

Reported in : [2008(2)JCR421(Jhr)]

Judge : R.R. Prasad, J.

Appellant : Rita Singh @ Rita Devi

Respondent : State of Jharkhand

Judgement :

ORDER

R.R. Prasad, J.

1. Heard learned Counsel appearing for the petitioner, learned Counsel appearing for the State and learned Counsel appearing for the informant. The petitioner is an accused in Mango (MGM) P.S. Case No. 23 of 2008 registered under Sections 498A/306/34 of the Indian Penal Code.

2. Learned Counsel appearing for the petitioner submits that the petitioner aged about 65 years who happened to be the mother-in-law of the deceased though has been alleged to have subjected the deceased to cruelty to the extent that the deceased committed suicide but the entire allegation is false and that marriage had taken place 13 years ago and the deceased was having two sons aged about 11 years and 10 years and they in their statements have not said anything about

the deceased being subjected to torture by the petitioner and, as a matter of fact, one day before the occurrence while one of the sons of the deceased was being scolded by the deceased he got angry and assaulted her mother and in that course when the petitioner intervened and took favour of her grand-son, the deceased got annoyed and committed suicide and this fact transpired in course of investigation when the statement of one of the independent witnesses was recorded and, therefore, the petitioner cannot be said to have abetted the deceased to commit suicide.

3. As against this, learned Counsel appearing for the informant submits that as per the statement made by father and mother of the deceased, the deceased was being subjected to torture constantly by the petitioner and just one day before the occurrence, the deceased on telephone had informed to her parents about her subjection to torture by the petitioner and this fact gets corroboration from the suicidal note left by the deceased and not only that allegation of subjection to assault also gets corroboration from the post-mortem report showing external injuries on the person of the deceased which according to Doctor were caused by hard and blunt substance and in these situations the petitioner can easily be said to have abetted the deceased to commit suicide and thereby committed offence under Section 306 of the Indian Penal Code.

4. Regard being had to the facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is rejected at this stage. However, keeping in view the age of the petitioner and also submission regarding ailment, the petitioner would be at liberty to renew the prayer for bail after remaining in custody for six months. Bail rejected.