

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 472 of 2015

Laxmi Narayan Bhale S/o Late Mohan Lal Bhale Aged About 57 years R/O Ward No. 7, Azad Chowk, Patan, Police Station Patan, District Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Office, Police Station Patan, District Durg, Chhattisgarh

---- Respondent

For Applicant - Mr. N.S. Dhurandhar, Advocate
For Respondent/State - Ms. Shubha Shrivastava, Panel Lawyer

Order On Board

30/06/2015.

Heard.

The applicant is apprehending his arrest in connection with Crime No.205/2013 registered at Police Station-Patan, District- Durg (C.G.) for alleged commission of offence under Section 306,34 of IPC.

2. Case of the prosecution is that Manoj Deshmukh committed suicide and left behind suicidal note, in which, he disclosed that applicant is falsely accusing him for pregnancy of one Pinki Dewangan.

3. Learned counsel for the applicant argues that the nature of allegation as leveled against the applicant, based on the suicidal note, even if taken as it is, does not fulfill the requirement of abatement as defined under Section 107 IPC so as to constitute offence under Section 306 IPC.

4. On the other hand, learned counsel for the State opposes prayer and submits that it was because of the harassment meted out to the deceased that he committed suicide, therefore, the applicant is not entitled to grant of bail.

5. Taking into consideration the nature of allegation material on the basis of which allegations are leveled against the applicant and the role alleged to be played by the applicant, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions-

- i. that the applicant shall make himself available for interrogation by a Police Officer as and when required;
 - ii. that the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
 - iii. that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
JUDGE