

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 567 of 2015

Subodh Saraf @ Bunty S/o Santosh Kumar Saraf Aged About 32 years R/o Pacharighat, Juna Bilaspur, P.S. City Kotwali, District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, City Kotwali District Bilaspur Chhattisgarh

---- Respondent

For Applicant/s	:	Ms. Anju Ahuja, Advocate
For Respondent / State	:	Ms. Shubha Shrivastava, Panel Lawyer

Order On Board

16/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.110/15 registered at police station – City Kotwali, Distt.-Bilaspur, CG for alleged commission of offence under Section 306, 34 of IPC.

2. Case of the prosecution is that the deceased had taken money from the applicant which was given to two other persons namely Manisha and Shivkali. It is alleged that the applicant was harassing the deceased for repayment of the amount and due to this harassment, Indu committed suicide.

3. Learned counsel for the applicant submits that the allegations and contents of suicidal note do not make out essential ingredients of commission of offence of abetment as defined under Section 107 of IPC. Even according to the deceased, some money was taken from the applicant. There are no allegations to show that in order to recover money, the applicant subjected the deceased to such a harassment, cruelty or violent act that the deceased committed suicide. Therefore, applicant may be protected.

4. On the other hand, learned State counsel submits that from the suicidal note

and the statement on record, it is revealed that the applicant was insisting the deceased to get the amount of loan repaid and was threatening her.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission that there is no specific allegation of any kind of sustained cruelty by the applicant against the deceased so as to make out a case of abetment, I am inclined to grant anticipatory bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- 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 he 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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