

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.874 of 2015

Jayprakash Mishra S/o Muniraj Mishra, Aged About 40 Years Inspector Of Income Tax Department, R/o Navapara, Ambikapur, P.S. And Tehsil- Ambikapur, District- Surguja (Chhattisgarh)

---- Applicant

Versus

The State Of Chhattisgarh Through- Station House Officer Of Police Station- City Kotwali, Ambikapur (Chhattisgarh)

---- Respondent

For Applicant	:	Shri Shailendra Dubey, Advocate.
For Respondent/State	:	Shri Ashok Kumar Swarnkar, Panel Lawyer.

Order On Board

10/09/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.397/2015 registered at police station – City Kotwali, Ambikapur CG for alleged commission of offence under Section 306/ 34 of IPC.
2. Case of the prosecution is that the applicant and another accused harassed victim R.R. Jaiswal, Income Tax Officer due to which, he committed suicide.
3. Learned counsel for the applicant submits that the entire background, in which, the deceased is alleged to have committed suicide, does not make out a case of abetment to commit suicide. He submits that it is alleged that the deceased had certain dispute with a chartered accountant and with the present applicant also. However, that by itself, cannot be made a basis to implicate him for alleged commission of offence under Section 306 of IPC. The applicant was working as Inspector under the subordination of deceased, who was Income Tax Officer.
4. On the other hand, learned counsel for the State opposes prayer and submits that the

material which has been collected during investigation so far shows that the deceased officer was having dispute with one chartered accountant/ co-accused and also with the applicant and other persons. The wife of the applicant had stated that the chartered accountant and the present applicant had quarreled with the deceased. In this background, the deceased was feeling harassed and he decided to resign from the service and later on, he was found having committed suicide.

5. Taking into consideration the submission, material on record statements of prosecution witness and that the only material against the applicant is that he had some dispute with the deceased and it is alleged that quarrel had also taken place and except that, there is no other material, I am inclined to grant anticipatory bail to the applicant. The bail application is allowed.

6. Accordingly, 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

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