

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1069 /2015

Laxmichand Dewangan, S/o. Late Suklal Dewangan, Aged About 60 Years, R/o. Barchhapara, Champa, P.S. Champa, District Janjgir-Champa, Revenue & Civil District Janjgir Champa (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Champa, District Janjgir-Champa (Chhattisgarh).

---- Respondent

For Applicant : Mr. Vishnu Koshta, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2015

1. Apprehending arrest in connection with Crime No.302/2015 registered at Police Station- Champa, District Janjgir-Campa (C.G.) for the offence punishable under Section 306 of the Indian Penal Code and Section 4 of Karja Act, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case one Lakheshwar Prasad Dewangan committed suicide under the running train and after investigation, the police found a suicide note wherein it was stated that he had taken loan of Rs.50,000/- from the applicant and he has returned the amount of Rs.1,50,000/- and thereafter also Rs.75,000/- was outstanding and consequently he has not able to think anymore and committed suicide. On merg intimation, the investigation was being done and the case is registered against the applicant.
3. Learned counsel for the applicant submits that admittedly the loan was given to the deceased of Rs.75,000/- and in lieu of that a cheque was given by the deceased which on being deposited in the Bank got dishonoured for which the case was filed under Section 138 of the Negotiable Instrument Act after service of notice. He therefore submits that in such case the statutory remedy was availed and no case of abatement could be made out.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact and the seizure and taking into the averments of the suicidal note, which speaks about the transaction and further considering the case diary, I am inclined to enlarge the applicant on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating 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/her 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/-
(Goutam Bhaduri)
Judge