

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 856 of 2015

1. Amit Agrawal S/o Late Mukesh Agrawal Aged About 28 Years R/o Mahal Road Agrasen Chowk, Pithora, P.S. & Tehsil Pithora, District Mahasamund Chhattisgarh
2. Anil Agrawal S/o Late Mukesh Agrawal Aged About 25 Years R/o Mahal Road Agrasen Chowk, Pithora, P.S. & Tehsil Pithora, District Mahasamund Chhattisgarh

---- Applicants

Versus

The State Of Chhattisgarh Through : Station House Officer Of Police Station Kotwali Raigarh, District Raigarh Chhattisgarh

---- Respondent

For Applicants	:	Shri Shailendra Dubey, Advocate
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

09/09/2015

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.598/2015 registered at Police Station- Kotwali, Raigarh, District-Raigarh (C.G.) for alleged commission of offence under Section 306/ 34 of IPC.
2. Case of the prosecution is that during a meeting relating to settlement of marriage of applicant Amit Agrawal with deceased Ruchi Agrawal, the applicant did not behave properly which led to deceased committing suicide.
3. Learned counsel for the applicant submits that the background and the situation in which, the allegation of talk between the applicant Amit Agrawal and deceased Ruchi Agrawal is made, no case of commission of offence under Section 306 of IPC is made out as there are no material to even prima facie indicate an element of abetment as defined under Section 107 of IPC.

4. On the other hand, learned counsel for the State opposes prayer and submits that in the FIR and in the diary statement, it has been stated that at the time of marriage negotiation, applicant Amit Agrawal and deceased Ruchi Agrawal were given occasion to talk to each other personally and thereafter, Ruchi Agrawal was found in depression leading to commission of suicide.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of overt act alleged against the applicants and that FIR was lodged on 24.06.2015 i.e. after more than one month from the date of commission of suicide, the application is allowed.

6. Accordingly, It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, the applicants shall be released on bail on each of them 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 applicants shall abide by all the following terms and conditions-

(i) that they shall make themselves available for interrogation by a Police Officer as and when required;

(ii) that they 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 them from disclosing such facts to the Court or to any Police Officer.

(iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
J U D G E