

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 886 of 2015

Brindawan Yadav S/o Shri Sadanand Yadav, Aged About 45 Years Occupation-
Agriculturist, R/o Village- Kachhar, Thana & Tahsil- Patthalgaon, Civil & Revenue
Distt.- Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kapu, Distt.-
Raigarh, Chhattisgarh

---- Respondent

Shri Sunil Sahu, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Order On Board

11/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.77/15 registered at police station – Kapu, Distt. - Raigarh, CG for alleged commission of offence under Section 306/34 of IPC.

2. Case of the prosecution is that the deceased – Murli Singh had purchased tractor under hire purchase scheme. He was not able to repay loan and the applicant used to frequently pressurize him to repay the loan, failing which his property would be attached towards recovery of loan. It is alleged that the applicant is the Sales Manager of the concerned tractor supplier from whom the deceased purchased the tractor.

3. Learned counsel for the applicant submits that if the applicant, in his capacity as Sales Manager of the company, used to come to him to tell that coercive steps would be taken if the loan amount is not repaid, that by itself, without anything more, does not amount to commission of offence under Section 306 IPC.

4. On the other hand, learned State counsel opposes the bail application and submits that it was because of continuous threat given by the applicant to the

deceased that on non-payment of loan, his property would be attached and sold, the deceased committed suicide, therefore it is prima facie case of abetment.

5. Taking into consideration the nature of allegations, circumstances and the role alleged to be played by the applicant, 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 by the arresting officer 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 with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) 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;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge