

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1152 of 2015

1. Chandrika Prasad Tiwari, S/o. Late Devidin Tiwari, aged 70 years,
R/o. Village – Marwahi, P.S. Marwahi, District – Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Marwahi, District
– Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Rahul Jha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/11/2015

1. Apprehending arrest in connection with Crime No.146/2015 registered at Police Station- Marwahi, District - Bilaspur, for offence punishable under Section 306 and 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the deceased, Madan Gopal Singh was working as Center Incharge, in Aadim Jati Seva Sahakari Samiti, Marwahi, where at certain point of time 1132 quintals of paddy was found less, whereby the deceased was pressurized by the Manager and the applicant and other co-accused person. The deceased deposited the amount of Rs.6.00 lacks and subsequently entire amount of loss was asked to be made good by the deceased in a result thereof on 10.08.2015, he committed suicide by hanging himself and suicide note was found, wherein all the facts were narrated.
3. Learned counsel for the applicant would submit that the applicant, Chandrika Prasad Tiwari, was working as Vice President in the Aadim Jati Seva Sahakari Samiti, Marwahi and if certain loss of

paddy is found then it is certainly one has count for it and it is all in official duties and even, the deceased was told by some of the members/directors or any of the officials of the Samiti then it can not amount to abetment. He further submits that in the similar circumstances, one Dipak Kumar Singh has been granted anticipatory bail by the coordinate Bench of this Court in M.Cr.C.(A) No.921/2015, vide order dated 22.09.2015, therefore, the counsel prays that the applicant may also be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the bail and would submit that because of abetment caused by this applicant, the deceased has committed suicide and the matter is under investigation, therefore, the applicant may not be released on anticipatory bail.
5. I have gone through the case diary, which contains the suicidal note and the statement of the wife of the deceased. Having regard to the fact of this case, considering the evidence available, prima-facie it appears that the applicant was one of the office holder, further taking into account that there is no overt act of physical violence by the applicant and the fact that similarly placed co-accused has been enlarged on anticipatory bail by the coordinate Bench of this Court, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is allowed and 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 executing a personal bond in 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

Balram