

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 921 of 2015

Dipak Kumar Singh S/o Shri Birbal Singh Banafar Aged About 35 Years R/o Village Jhirna Podi, Post Dhobahar, P. S. Marwahi (Chhattisgarh), At Present Working As In Charge Manage LAMPS Marwahi District - Bilaspur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Marwahi, District - Bilaspur (Chhattisgarh).

---- Respondent

Shri Anand Mohan Tiwari, counsel for the applicant/s.
Shri Vinod Tekam, Panel Lawyer for the State.

Order On Board

22/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.146/2015 registered at police station – Marwahi, District – Bilaspur (CG) for alleged commission of offence under Section 306 and 34 of IPC.

2. Prosecution case is that Madangopal Singh, the deceased, while working as In-charge, Paddy Procurement Center was falsely implicated on the issue of shortage of paddy. It is alleged that the applicant was continuously pressurizing the deceased and accusing him as responsible for shortage of paddy, due to which, the deceased committed suicide.

3. Learned counsel for the applicant submits that the allegation of the prosecution do not *per se* constitute ingredients of abetment as defined under Section 107 IPC. He submits that whatever the applicant was doing, it was in bonafide discharge of his duty and he had been issuing notices to the deceased and other employees to ensure that no shortage takes place.

4. On the other hand, learned State counsel submits that the contents of the suicidal note and statement of the wife of the deceased prima facie show that the

applicant was instrumental to exert pressure on the deceased.

5. Taking into consideration the submission of learned counsel for the parties, material on record and the submission that even if the entire case is taken on its face value, ingredients of abetment defined under Section 107 IPC are not made out and there is no overt act of physical violence by the applicant except the applicant discharging his official duty, I am of the view that it is a fit case for grant of anticipatory bail.

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.20,000/- 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