

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 925 of 2015**

- Ramsuphal Manjhi S/o Ram Kumar Manjhi Aged About 50 Years R/o Village Aankdih, Police Station Masturi, Distt. Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through Station House Officer, Masturi, District Bilaspur (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Devesh Chandra Verma, Advocate.
For Respondent/State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice I.S. Uboweja**Order on Board****30/09/2015**

1. The applicant has preferred the instant bail application under Section 438 of Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 247/2015, registered in Police Station Masturi, District Bilaspur (CG), for offence punishable under Sections 306/34 of the IPC.
2. The case of the prosecution, in brief, is that the marriage between the applicant and deceased Ashabai was solemnized 20 years prior to the incident and since there was no issue with his first wife (deceased Ashabai), the applicant had married with co-accused Biraspati Bai 7 years back and has two children with her. According to the prosecution, it is alleged that the applicant herein along with his second wife Biraspati Bai instigated deceased Ashabai to commit suicide and on account of some quarrel took place between the applicant and deceased Ashabai, she has committed suicide.
3. Mr. Devesh Chandra Verma, learned counsel appearing for the applicant would submit that the applicant has not abetted or instigated the deceased Ashabai for committing suicide. He is innocent and has been falsely implicated in the crime in question, therefore, he may be extended the benefit of anticipatory bail.

4. On the other hand, Mr. Surya Kant Mishra, learned counsel for the State opposing the prayer for grant of bail would submit that there is sufficient evidence for involvement of the appellant in crime, therefore, he is not entitled for anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the submission of learned counsel for the parties and on perusal of the case diary, *prima facie* there is no sufficient evidence for abetting or instigating the deceased Ashabai for committing suicide. Hence, I am of the considered opinion that it is a fit case where the applicant can be extended the benefit of anticipatory bail.
7. Accordingly, the application for grant of anticipatory bail is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and conditions:
 - (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - (ii) that the accused/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 accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and 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.

Sd/-
(I.S. UBOWEJA)
JUDGE