

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 44 /2016

1. Bhuru, S/o. Bhukhad, Aged About 45 Years.
2. Dhamin Bai, W/o. Ghisal, Aged About 48 Years.

Both Caste Satnami, Occupation Agriculture, Labour, R/o. Village Bharari, Police Station Masturi, Police Chouky Pachpedi, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station : Mulmula, Distt. Janjgir–Champa, Chhattisgarh

---- Respondent

For Applicants : Mr. Sumit Singh, Advocate.

For Respondent : Mr. Gary Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/02/2016

1. Apprehending arrest in connection with Crime No.169/2015 registered at Police Station- Mulmula, District Janjgir-Champa (C.G.) for the offence punishable under Section 306, 34 of Indian Penal Code and Section 4 of Riniyo Se Sanrakshan Adhiniyam, the applicants has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, one Nawal Singh Gond committed suicide by hanging on 27.07.2015 and the merg was registered on 01.08.2015 and subsequently on 18.09.2015, a report was made that one Ghisal Satnami who has advanced loan to Nawal Singh came to his house along-with the applicants and demanded the money back.

3. Learned counsel for the applicants submits that the only allegation against these applicants are that they accompanied with Ghisal Satnami who had advanced loan to the deceased and no other allegation is attributed to these applicants. He further submits that simply because it is stated that the applicants accompanied with Ghisal, they cannot be inculpated, therefore, they may be enlarged on anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the statement of the widow of the deceased wherein she has stated that before the incident Ghisal Satnami and these applicants came to their house and demanded the money back and it cannot be stated to be any abetment. Therefore, taking into the allegation against the applicants, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C to the applicants.
6. Accordingly, the anticipatory bail application is allowed.
7. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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/-
(Goutam Bhaduri)
Judge

Ashok