

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 481 of 2015

- Kanhaiyalal S/o Maakhan Lal Mishra Aged About 52 Years R/o Village-Pendari, Police Station Chakarbhata, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh S/o Through: Station House Officer, Police Station Chakarbhata, District Bilaspur, Chhattisgarh

---- Non-Applicant

For Applicant	:	Mr. Dheerendra Pandey, Advocate.
For Respondent/State	:	Mrs. Shobha Kashyap, Dy. Govt. Advocate.

Hon'ble Shri Justice I.S. UbowejaOrder on Board14/01/2016

1. The applicant has filed this bail application under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Code') for grant of anticipatory bail, apprehending his arrest in connection with Crime No.148/2015 registered at Police Station Chakarbhata, Distt. – Bilaspur for the offence punishable under Sections 306, 34 of the IPC.
2. The case of the prosecution, in brief, is that the applicant along with his brother i.e. husband of the deceased has abetted the deceased to commit suicide and thereby committed the aforesaid offence.
3. Mr. Dheerendra Pandey, learned counsel appearing for the applicant would submit that the applicant is a Government servant and at the time of incident, he was present in his office. He also submits that the incident took place on 13.03.2015 at 11.00 AM and the F.I.R. was lodged after two months from the date of incident, i.e., on 13.05.2015. He further submits that the applicant has not committed any offence, and has been falsely implicated in the case and there is not even an iota of evidence against the applicant for abetment.
4. On the other hand, Mrs. Shobha Kashyap, learned counsel for the State opposing the bail application submits that in the dying declaration made by the deceased the fact emerged that the applicant along with his brother both together set her ablaze.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the rival contentions of the parties and after going through the material available on record, at this stage without going into merits of the matter, I am of the considered opinion that it is a fit case in which the benefit of Section 438 of the Cr.P.C., should be extended to the applicant.
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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(I.S. UBOWEJA)
JUDGE