

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 690 /2016

Manoj Shrivastava, S/o. Late G.S. Shrivastava, Aged About 52 Years,
R/o. Q.No. 9-A (P), Street No.16, Sector 2, P.S. City Kotwali, Bhilai,
District Durg.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Bori, District Durg,
Chhattisgarh

---- Respondent

For Applicant : Mr. Shrawan Agrawal, Advocate.
For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/08/2016

1. Apprehending arrest in connection with Crime No.27/2016 registered at Police Station- Bori, District Durg (C.G.) for the offence punishable under Section 306/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Mahaveer Sahu committed suicide on 07.02.2016 and it is alleged that the applicant who had given him certain amount as loan has taken some property and further the applicant was pressurizing the deceased to transfer the other land and the document of which by inadvertence went to the applicant, thereby he has abetted the deceased to commit suicide.
3. Learned counsel for the applicant would submit that the deceased has obtained loan from the present applicant and thereafter he was not able to repay and subsequently when the deceased was asked to repay back, he committed suicide. He would further submit that the applicant has not abetted the commission of crime, therefore, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the suicidal note and the documents attached with the case diary, which reflects that the deceased has taken certain loan from the applicant which was demanded back and in lieu thereof certain land was asked to transfer. Considering the case diary, facts of the case and the documents, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended 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 furnishing a personal bond to a 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