

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 958 of 2016

- Prakash Chand Jain S/O Shri Bhanvar Lal Jain, Aged About 54 Years R/O Parakh Villa, Gaya Nagar, Police Station Bori, Civil & Revenue District Durg (Chhattisgarh).

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bori, Civil & Revenue District Durg (Chhattisgarh).

---- **Respondent**

For Applicant : Ms. Pritha Ghoshal, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-10-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 27 of 2016 registered at Police Station Bori, Civil & Revenue District Durg (CG) for offence punishable under Section 306 /34 of IPC.
2. As per case of the prosecution, one Mahaveer Sahu committed suicide on 7-2-2016 and it is alleged that the applicant had given certain loan and he was pressuring the deceased to return the same and subsequently, the applicant abetted the deceased to commit suicide and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the deceased had obtained loan from the present applicant and other co-accused persons and when the deceased was asked to repay the same, he committed suicide and the applicant has not abetted any commission of crime. It is further submitted that the case of the present case is similar to that of other co-accused person namely Manoj Shrivastava, who has been granted anticipatory bail vide

order dated 10-8-2016 passed by this Court in M.Cr.C (A) No. 690 of 2016, therefore, the applicant may also be granted benefit of anticipatory bail on the ground of parity.

4. Learned State counsel opposes the prayer for grant of anticipatory bail, however, he does not dispute the fact that the similarly placed other co-accused has been granted anticipatory bail.
5. I have heard learned counsel for the parties, case diary, documents and suicidal note which would show that the deceased had obtained certain loan from the present applicant and when he was asked to repay the same, in lieu thereof he committed suicide.
6. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the facts involved in this case and also the fact that similarly placed other co-accused has been granted anticipatory bail by this Court, I am inclined to extend benefit of anticipatory bail to the applicant.
7. 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 his executing a personal bond in the sum of Rs.25,000/- with one local 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) 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

Raju