

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 422 of 2016**

Mahaveer Chandrakar S/o Kapil Chandrakar, Aged About 50 Years,
R/o Village Rapa, Tahsil Pandariya, Police Station Kunda, Civil &
Revenue District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Acting Through Officer-In-Charge, Police
Station Kunda, District Kabirdham, Chhattisgarh.

---- Respondent

For applicant – Shri K.A. Ansari, Sr. Advocate with Shri Devesh Kela,
Advocate.

For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****4/05/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 11/2016 registered at Police Station Kunda, District-Kabirdham (C.G.) for offence punishable under Section 306/34 of the Indian Penal Code.
2. Case of the prosecution in brief is that deceased Usha Chandrakar was married to the present applicant Mahaveer Chandrakar 16-17 years back and she set herself ablaze on 26/06/2015 and was admitted to the hospital on the same day. Subsequently, she succumbed to the injuries on 17/07/2015. It is case of the prosecution that the applicant along with others have abetted the deceased to commit suicide. Consequently, offence is committed.
3. Learned counsel for the applicant would submit that initially on 26/06/2015 when deceased was admitted to the hospital one statement was recorded by the police. However, subsequently the SDM was called for but to their instruction no dying declaration was recorded. It is further stated that on 14/07/2015 she was referred to the Raipur hospital and she died on 17/07/2015. During such period of intervening travelling deceased was

conscious and well oriented and no allegation of abetment was made. It is therefore submitted that the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the statement recorded in the case diary. Considering the statement and the allegation, I am inclined to extend benefit of anticipatory bail 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 executing a personal bond in 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

