

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 88 of 2016

Ram Shabd Sharma, Son of late Ram Awadh Sharma, aged
about 70 years, resident of Babunagar, Khursipar, Udiya
Mohalla, Zone-02, P.S. Khursipar Bhilai, Tehsil and District
Durg (C.G) ... **Applicant**

Vs.

State of Chhattisgarh, through Collector Durg (C.G).
... **Respondent**

For the applicant	:	Mr. Rakesh Pandey, Advocate.
For the Respondent	:	Mr Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.02.2016

1. Apprehending arrest in connection with Crime No. 33 of 2016 registered at Police Station Chhawani, District Durg (C.G) for the offences punishable under section 306 IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 25.12.2015 deceased Umesh Shah committed suicide by hanging. He was running a provision stores at Indira Market, Durg and the allegation against the applicant is that he had monetary transactions of B.C. (chits) and he demanded money from deceased and when the amount was not paid, the applicant extended threat and abetted the accused to commit suicide.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as admittedly there had been some monetary transaction between the applicant and deceased and thus the

demand of money cannot be stated to be abetment to commit suicide. He further submits that the applicant is aged about 70 years, therefore, he may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that in the dying declaration of the deceased the allegations have been attributed to this applicant and other co-accused.
5. Perused the case diary. A perusal of the case diary would show that there has been some monetary transaction between the parties and the deceased has received the amount of B.C., and when the money was demanded back by the applicant and other co-accused, the deceased committed suicide.
6. Considering the totality of the facts and circumstances of the case especially taking into fact that the deceased committed suicide because of such monetary transaction, I am inclined to extend the benefit of section 438 Cr.P.C., to the applicant.
7. Accordingly, the 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 sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;

- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao