

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 212 of 2016

1. Aziz Uddin, S/o. Late Nasiruddin, aged about 64 years, R/o. Camp-01, Bhilai, P.S. Chhawani Bhilai, Tehsil and District-Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Collector, Durg (C.G.)

---- Respondent

For Applicant	: Mr. Rakesh Pandey, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/03/2016

1. Apprehending arrest in connection with Crime No.33/2016 registered at Police Station- Chhawani, Bhilai, District – Durg (C.G.), for offence punishable under Section 306/34 of the Indian Penal Code, the applicant has preferred this application 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 alongwith the accused Ram Shabd Sharma has abetted the deceased to commit suicide as the amount was not paid.
3. Learned counsel for the applicant would submit 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 can not be stated to be abetment to commit suicide. He further submits that similarly placed co-accused, Ram Shabd Sharma has been granted anticipatory

bail in M.Cr.C.(A) No.88/2016 vide order dated 19.02.2016, therefore, the counsel prays that the applicant may also be extended the benefit of anticipatory bail.

4. Per contra, the State counsel opposes the bail application, however, he do not dispute the fact that similarly placed co-accused has been granted anticipatory bail.
5. Perused the case diary. 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. 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, and further considering the fact that similarly placed co-accused in this case has been granted anticipatory bail in M.Cr.C. (A).No.88 of 2016 by order dated 19.02.2016, this Court is inclined to extend the 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 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