

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 265 /2016

Shashi Deepak Bairagi, S/o. Late Baban Das Bairagi, Aged About 32 Years, R/o. Ward No. 9, Beharapara, Dharamjaigarh, Police Station & Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station, Dharamjaigarh, District – Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. H.B.Agrawal, Sr. Advocate with Ms. Meera Jaiswal, Advocate.

For Respondent : Ms. Shobha Kashyap, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/06/2016

1. Apprehending arrest in connection with Crime No.259/2015 registered at Police Station- Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Section 304-B/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, the applicant who is husband of the deceased Sunita Bairagi used to torture the deceased for demand of dowry of Rs.50,000/- and motorcycle and because of that she committed suicide by hanging on 30.08.2015. Thereby, the offence is committed.
3. Learned counsel for the applicant would submit that the deceased committed suicide of her own and neither the applicant has made any demand for dowry nor has done any cruelty with the deceased or has abetted to commit suicide. He further submits that under the facts and circumstances of the case, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary, which contains the suicidal note. The report of hand-writing expert also enclosed which supports the fact that the suicidal note was written by the deceased. The suicidal note purports that the deceased of her own had committed suicide. Taking into such suicidal note, without any observation on merit, I am inclined to release the applicant on anticipatory bail.
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