

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. (A) No. 317 of 2016

Dilip Bafna S/o Ashok Bafna, Aged About 28 Years R/o Nawagaon,
Police Station & Tahsil Magarlod, District Dhamtari (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Magarlod, District Dhamtari (Chhattisgarh).

---- Respondent

For applicant – Shri Prateek Sharma, Advocate.
For Respondent/State –Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/04/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 40/2016 registered at Police Station Magarlod, District-Dhamtari (C.G.) for offence punishable under 306, 497 of Indian Penal Code.
2. As per the prosecution case, deceased Arti Sahu committed suicide by consuming poison on 14/02/2016. It is case of the prosecution that the applicant had physical relation with the deceased and when the matter was known to the husband of the deceased, the applicant has abetted the deceased to committ suicide. Thereby, offence is committed.
3. Learned counsel for the applicant submits that no allegation of abetment can be attributed to this applicant and it was because of the fact that deceased had strained relation with her husband, therefore she committed suicide.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have perused the case diary and the statement as also the suicidal note which is part of the case diary. Considering the same statement in the case diary and the statement of the witnesses as also suicidal note, 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

