

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. (A) No. 374 of 2016**

Khemraj Nishad, S/o. Prabhulal Nishad, Aged about 23 years, R/o. Village  
Limtara, P.S. Simga, Civil and Revenue District Baloda Bazar, Bhatapara  
(C.G.)

**---- Applicant**

**Versus**

State of Chhattisgarh Through P.S. Civil Lines, Baloda Bazar (C.G.)

**---- Respondents**

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|----------------------|----|---------------------------------|
| For Applicant        | :- | Mr. Adil Minhaj Advocate        |
| For Respondent/State | :- | Mr. Arvind Shukla, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**21/04/2016**

1. Apprehending arrest in connection with Crime No. 321 of 2015 registered at Police Station Simga, District Baloda Bazar (C.G.) for the offence punishable under sections 498 A & 306 of the Indian Penal Code. The applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, before the date of incident on 08.02.2015, the applicant was married to the deceased Gayatri Nishad. Thereafter, she was subjected to torture for demand of dowry and she committed suicide by consuming poison. It is the case of the prosecution that the applicant has abetted the deceased to commit suicide.
3. Counsel for the applicant submits that the applicant is a deaf and dumb person and after the marriage the applicant could not go along with

the deceased probably that was the reason for commission of suicide. He further submits that the deceased could not understand sign language of the applicant that might have the reason for suicide and prays that he may be given the benefit of anticipatory bail.

4. Per contra, State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents filed along with the bail petition. The incident was occurred on 08.02.2015 and the FIR was registered on 13.10.2015, 8 months delay was caused. Considering the documents available on record, it is not in dispute that the applicant is a deaf and dumb person; taking into the evidence available on record, I am inclined to release the applicant on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed.

7. 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 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.

SD/-  
**(Goutam Bhaduri)**  
**JUDGE**

Santosh