

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 504 of 2016

- Kapil Kumar Kushwaha S/O Krishnachand Kushwaha Aged About 28 Years R/O Village Khairi, Police Station Patna, District Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Patna, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sameer Singh, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-07-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 29 of 2016 registered at Police Station Patna, District Korea (CG) for offence punishable under Section 306 /34 of IPC.
2. As per case of the prosecution, one Ramachandra Kushwaha committed suicide by hanging on 17-10-2015 and it was the allegation that on account of election dispute, the applicant used to humiliate the deceased Ramchandra as a result thereof abetted the deceased to commit suicide.
3. Learned counsel appearing for the applicant would submit that false allegations have been leveled against the applicant since the incident was of 17-10-2015 and deceased was also related and because of election some dispute arose between the deceased and

the applicant and their family members which cannot be stated to be abetment to commit suicide. He would further submit that similarly placed co-accused Ramkumari Kushwaha has been granted anticipatory bail vide order dated 4-4-2016 passed by this Court in M.Cr.C.(A) No. 316 of 2016, therefore, the applicant may also be extended the benefit of anticipatory bail on the ground of parity.

4. Learned State counsel opposes the prayer for grant of anticipatory bail, however, he does not dispute the fact that similarly placed co-accused has been granted anticipatory bail by this Court.
5. I have heard learned counsel for the parties .
6. Perused the case diary and statement of Renu Kushwaha and Kanti Bai Kushwaha, wife and mother of the deceased. After going through the statement of the witnesses, without any observation on the merits of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.
7. Accordingly, the application for grant of anticipatory bail 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 the 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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju