

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 714 /2016

Yogesh Kumar Sahu, S/o. Shri Chandrahas Sahu, Aged About 31 Years,
By Caste Teli, R/o. Village & Post Palari, Tahsil & P.S. Gurur, District
Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Gurur, District Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.
For Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/08/2016

1. Apprehending arrest in connection with Crime No.180/2016 registered at Police Station- Gurur (Police Chowki - Kanwar), Distt. Balod (C.G.) for the offence punishable under Section 306 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, one Bharti Sahu committed suicide by hanging on 15.02.2016, she was married to the present applicant on 03.06.2013 and thereafter she was blessed with a son and after suicide on investigation, it revealed that the applicant has abetted the deceased to commit suicide.
3. Learned counsel for the applicant would submit that initially immediately after the death, the statement of father Bhimsen Sahu and mother Pushpa Sahu was recorded wherein nothing has been attributed against this applicant and it is stated that the deceased and applicant were living happily, however, in the subsequently statement relation with other girl was stated and therefore the

applicant has been falsely implicated and, as such, he may may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement of Bhimsen Sahu & Pushpa Sahu, who are father & mother of the deceased which was recorded on 15.02.2016 immediately after the death. Considering such statement, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended 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 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