

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 734 of 2016

1. Ramkrishna Kashyap, S/o. Lekhram Kashyap, aged about 32 years,
2. Smt. Rajni Kashyap, W/o. Ramkrishna Kashyap, aged about 25 years,

Both R/o. Village- Tulsi, P.S. - Nawagarh, District – Janjgir-Champa (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Collector, P.S. Nawagarh, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicants : Mr. Sumit Singh, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/08/2016

1. Apprehending arrest in connection with Crime No.135/2016 registered at Police Station- Nawagarh, District – Janjgir-Champa (C.G.), for offence punishable under Section 306, 34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that on 09.04.2016 one Pushpa Lata committed suicide by setting herself ablaze. It is alleged that the applicants used to clamp allegation on the deceased that she has stolen some articles. Thereby the applicants have abetted the deceased to commit suicide. Thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and they have not abetted the deceased to commit suicide. It is further submitted that dying declaration would not go to show that any abettment has been caused. Therefore, it is prayed that the applicants may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned State counsel opposes the application for grant of anticipatory bail.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents as also the dying declaration. Considering the dying declaration and further considering the facts and circumstances of this case, this Court is inclined to extend the benefit of anticipatory bail to the applicants, as custodial interrogation of the applicants may not be required in this case.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge