

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1327 /2015

Manish Singh, S/o. Vishwanath Singh, Aged About 45 Years, R/o. Village
Dighora, P.S. : Mulmula, Distt. Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station :
Mulmula Distt. Janjgir – Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Abhishek Sinha, Advocate.

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/02/2016

1. Apprehending arrest in connection with Crime No.169/2015 registered at Police Station- Mulmula, District Janjgir-Champa (C.G.) for the offence punishable under Section 306 read with Section 34 of IPC, 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 story, in brief, one Nawal Singh Gond committed suicide by hanging on 27.07.2015 and the merg was registered on 01.08.2015 and subsequently on 18.09.2015, a report was made that one Ghisal Satnami who has advanced loan to Nawal Singh came to her house and demanded the money back. Thereafter, the deceased committed suicide and after his death, the present applicant being the Sarpanch called the meeting.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, as no allegations have been

attributed to this applicant and only allegation is that after the death of the deceased, he called the meeting, therefore, it cannot be attributed to any offence under Section 306 of IPC, therefore, he may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the statement of the widow of the deceased wherein she has stated that before the incident Ghisal Satnami and others came to their house and demanded back the loan, however, the allegation against this applicant is that after the death, he called the meeting to execute the sale deed. Therefore, taking into the allegation against this applicant, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C to the applicant.
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 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

Ashok