

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 749 of 2016

- Banti @ Vinit Pandey S/o Ramadhar Pandey Aged About 50 Years
R/o Firangipara, Kota, P.S. Kota, Tahsil Kota, District Bilaspur
Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police
Station Kota, District Bilaspur Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Shailendra Dubey, Advocate
For the Respondent	: Mr. Anant Banpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.09.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicant in connection with Crime No. 37 of 2016 registered at P.S. Kota, Distt. Bilaspur (C.G) for the offence punishable u/ss 307, 328/34 IPC.
2. As per the prosecution case, accused Deepak Tiwari forcibly took the victim to C.V. Raman University at Kota. Thereafter, after waiting for some time, forcibly administered insecticide poison into her mouth so as to kill her, for which, a report was made on 19.02.2016 by one Ritesh Kumar Gandharv. It is alleged that when the poison was being administered, the applicant had also helped the said accused Deepak Tiwari to commit the crime.
1. Learned counsel for the applicant would submit that the statement of victim girl and Rupesh Gandharv would show that no role has been played by this applicant and it is only alleged that before Deepak Tiwari administered poison, the present applicant was called there, therefore, only on that basis, no allegations can be attributed to this applicant. He further submits that in fact no case is made out against this applicant, therefore, he may be enlarged on bail.

2. Per contra, learned State Counsel opposes the bail.
3. Perused the statements of victim Deepti Sahu and Rupesh Kumar Gandharv. Considering the degree of allegations and the role played this applicant and further the fact that entire allegations have been attributed to Deepak Tiwari, I am inclined to extend the benefit of Section 438 Cr.P.C., to this applicant.
4. Accordingly, the 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 his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;
 - (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE