

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 793 of 2016

- Dipak Kaushik S/o Shri Sakhan Lal Kaushik Aged About 38 Years R/o Village Pendri, Post Rajpur, Tahsil & Police Station Takhatpur, Civil & Revenue District Bilaspur, Chhattisgarh. --
Petitioner

Versus

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

For the applicant	:	Mr. Pramod Verma, Sr. Advocate with Mr. Vivek Shrivastava, Adv.
For the Respondent	:	Mr. Neeraj Sharma, Dy.Govt.Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.09.2016

1. Apprehending arrest in connection with Crime No. 328 of 2015 registered at Police Station Takhatpur, Distt. Bilaspur (C.G) for the offences punishable under section 306 & 498-A of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Neelam Kaushik has committed suicide on 25.08.2015 by consuming poison. She was married to present applicant on 02.06.2011. After recording the statement of father of deceased, it is alleged that she was subjected to torture and the applicant abated the deceased to commit suicide, thereby the offence is committed.
3. Learned counsel for the applicant submits that after marriage of the applicant with the deceased in the year 2011 they were blessed with a child and the applicant

helped the wife to attain her educational qualifications of B.A., and M.A., and during such course, she developed relations with one Vivek Shukla and subsequently she realized her mistake and she herself left the house and committed suicide, therefore, the applicant has been falsely implicated in this case.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the evidence collected by the prosecution. The case diary contains a note of deceased wherein it is stated that the deceased herself is leaving the house and before the leaving the husband and child, a letter was written. Perused the suicidal note. Taking into such facts and circumstances, I am inclined to allow this bail application.
6. 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**

R a o