

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 827 of 2016

1. Kamal Sahu, S/o. Shri Brijmohan Sahu, aged about 51 years, R/o. Near R.K. Petrol Pump, Chatidih, P.S. - Sarkanda, Tahsil and District – Bilaspur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, P.S. - Sarkanda, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Devendra Kumar Shukla, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/09/2016

1. Apprehending arrest in connection with Crime No.275/2016 registered at Police Station – Sarkanda, District – Bilaspur (C.G.), for offence punishable under Section 306/34 of Indian Penal Code, the applicant has preferred this bail application under Section 438 of Cr.P.C. for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the deceased, Satish Arora @ Rajju was in partnership with Kamal Sahu, the present applicant and one Rambahadur @ Rahim and they used to deal with the sale and purchase of the land. During such dealing in several land, the deceased was not given of his share of profit and since the deceased had obtained the loan from different persons he was being followed for repayment and the applicant did not give any share. Consequently, under the circumstances, the deceased committed suicide. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that there is no ingredients of Section 306 as it was pure simple business dealing and

the suicide was committed for the other reasons and it can not be attributed to the present applicant, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and suicidal note. Detailed suicidal note have been written, wherein certain allegations have been attributed against the applicant and it is stated they should be brought to the books of the police. The matter is under investigation. Considering the totality of the facts and circumstance of the case it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge