

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 948 of 2016**

- Pyarelal Adile S/o Shri Jethuram Adile Aged About 46 Years R/o Village-Barpali, Korba, P.S.- Urga, Revenue & Civil District- Korba, Chhattisgarh.

---- **Petitioner****Versus**

- State Of Chhattisgarh Through Police Station- Urga, District - Korba, Chhattisgarh
- Ghanshyam Patel Aged About 53 Years R/o Qr. No S.F. 875, C.S.E.B Colony, Korba District- Korba

---- **Respondent**

For Applicant : Mr. Sandeep Dubey, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27-10-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Complaint Case No. 305 of 2008 registered at Police Station Urga, District Korba (CG) for offence punishable under Section 306 of the IPC.
2. Case of the prosecution case, in brief, is that in the intervening night of 29-3-2017 & 30-3-2007 one Lakhan Patel committed suicide by hanging. It is alleged that the present applicant who is the Professor had abetted the deceased to commit such crime and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that initially Police report was made by the complainant, but no case was registered. However, subsequent thereto, the complainant had lodged the report, therefore, the offence was registered in a complaint case. He would further submit that in facts of the case no case is made out against the applicant,

therefore the applicant may be extended the benefit of anticipatory bail.

4. Per contra, Learned State counsel opposes the prayer for grant of anticipatory bail.
5. The case was passed over yesterday as counsel for the objector did not appear. Today when the case is taken up for hearing, counsel for the objector failed to appear also.
6. I have heard learned counsel for the parties and have perused the case diary, the documents filed along with the bail application.
7. Considering the totality of the facts and circumstances of the case, no objection has been filed by the objector Ghanshyam Patel and further considering the back-ground of the case, nature of allegations and time lapse, I am inclined to extend benefit of anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail 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 the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court/concerned court. The applicant shall also abide by the following conditions:

(i) that the applicant shall appear before the Magistrate First Class, before whom the private complaint is pending, within a period of fifteen days and shall furnish bail for the amount as may be fixed by the Magistrate.

(ii) that the applicant shall regularly appear before the Magistrate and co-operate in the quick disposal of the private complaint.

(iii) 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 from disclosing such

facts to the Court or to any police officer on enquiry.

Certified copy as per rules as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju