

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 996 of 2016

- Rajeev Lochan Singh S/o Satyadev Singh Aged About 40 Years R/o Village Sevati, Tahsil - Dhamdha District Durg Chhattisgarh ----- **Petitioner**

Versus

- State of Chhattisgarh Through - The Police Station Bori Durg Chhattisgarh --- **Respondent**

For the applicant : Mr. Vipin Tiwari, Advocate.
For the State : Mr. Ashutosh Pandey, Pael Lawyer..

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.10.2016

1. Apprehending arrest in connection with Crime No. 27 of 2016 registered at Police Station Bori, Distt. Durg (C.G) for the offence punishable u/ss 306, 34 IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, one Mahavir Sahu committed suicide on 07.02.2015 and it is alleged that the applicant had given the deceased certain grams and Rs.3 lakhs by cheque and instead of repaying the same, the applicant has committed suicide.
3. Learned counsel for the applicant would submit that the deceased obtained certain loan and grams from the applicant and thereafter he was not able to pay and when the deceased was asked to repay the same, he committed suicide. He further submits that similarly situated person namely Manoj Shrivastava against whom like nature allegations have been made has been

enlarged on anticipatory bail by this Court in M.Cr.C(A). No.690/2016 on 10.08.2016 therefore being in parity, the present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary documents which also contain the suicidal note.
6. Considering the fact that there was some monetary transaction between applicant and deceased wherein the deceased had taken certain loan from the applicant and he was not able to repay when the amount was asked as also the fact that the person against whom similarly allegations were made has been enlarged on bail by this Court in M.Cr.C(A).No. 690 of 2016, I am inclined to admit the applicant to anticipatory bail.
7. 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. today.

Sd/-
GOUTAM BHADURI
JUDGE

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