

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 1047 OF 2017

Aswan Das Sahu, S/o Late Bahur Singh Sahu, aged about 42 years, R/o Tilda Newra, District Raipur (C.G.)

... Applicant

versus

State of Chhattisgarh, through Police Thana- Tilda Newra, District Raipur (C.G.)

... Non-applicant

MISC. CRIMINAL CASE (A) NO. 1076 OF 2017

Bhagirathi Verma, S/o Late Shri Arjun Lal Verma, aged about 60 years, R/o Village Baheisar, Tahsil Tilda, Post and P.S. Nevra, District Raipur (C.G.)

... Applicant

versus

State of Chhattisgarh, through Police Station Newra, District Raipur (C.G.)

... Non-applicant

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- Ms. Sharmila Singhai, Advocate, for the Applicant in M.Cr.C. No.1047/2017.
 - Mr. Devershi Thakur, Advocate, for the Applicant in M.Cr.C. No.1076/2017.
 - Mr. D.R. Minj, Dy. Govt. Advocate, for the State.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/12/2017

1. The present are two applications under Section 438 of CrPC seeking for grant of anticipatory bail to the respective Applicants who are apprehending their arrest in connection with Crime No.353/2017, registered at Police Station- Tilda Newra, District- Raipur, for the offence punishable under Section 306/34 of IPC.
2. As per the prosecution case, allegation against the Applicants is that the Applicants had put undue pressure upon the deceased for collecting money which the Applicant-Bhagirathi Verma (in M.Cr.C. No.1076/2017) had given to Applicant-Aswan Das Sahu (in M.Cr.C. No.1047/2017) for investment for higher returns.

3. According to the prosecution, it is a case where the Applicant-Aswan Das Sahu is said to have asked the deceased to act as his agent and get some investment which the deceased was able to from Applicant-Bhagirathi Verma who had invested about Rs.8-9 Lakh with the Applicant-Aswan Das Sahu. Subsequently, the Applicant-Aswan Das Sahu refused to return back the money to the Applicant-Bhagirathi Verma who in turn was pressurizing the deceased to return money and when he could not ultimately repay the money he was left with no other option but to commit suicide by consuming poison.

4. Learned Counsels appearing for the respective Applicants submit that even if the entire version of the prosecution is accepted as it is, even then the necessary ingredients required for making out an offence under Section 306 of IPC is not available in the case diary. They further submit that for making out an offence punishable under Section 306 of IPC, the ingredients of abetment under Section 107 of IPC is necessary which are also not available from the statement recorded during investigation and thus they prayed for grant of anticipatory bail to the Applicants.

5. Learned Counsel for the State however opposing the anticipatory bail application submits that because of the act on the part of the two Applicants that the deceased had committed suicide and that they had put undue pressure and had also tried to defame the deceased which forced the deceased to take such an extreme action of committing suicide by consuming poison.

6. Given the facts and circumstances of the case, particularly taking into consideration the contents of the alleged suicidal note, this Court is of the opinion that prima facie the necessary ingredients under Section 306 of IPC as well as Section 107 of IPC are not reflected. This Court thus is

of the opinion that prima facie a strong case is made out for grant of anticipatory bail.

7. Accordingly, both the anticipatory bail applications i.e. M.Cr.C.(A) No.1047/2017 and M.Cr.C.(A) No.1076/2017 are allowed. It is ordered that in the event of arrest of the Applicants in connection with Crime No.353/2017, registered at Police Station- Tilda Newra, District- Raipur, for the offence punishable under Section 306/34 of IPC, if each of them furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then they shall be released on bail on the following further conditions :

- (i) that the applicant shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
- (ii) 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge