

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. (A) No. 295 of 2017**

Vikash Agrawal S/o Ishwar Prasad Agrawal, aged about 32 years (wrongly typed as 29) R/o Bhaiyathan Road, Surajpur, Police Station and Tahsil Surajpur, District Surajpur, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through Police Station Ambikapur, District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Paranjpe and Shri Anurag Singh, Advocates
For Respondent/State:		Shri Ashok Swarnkar, Panel Lawyer
For Objector	:	Shri S. D. Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.05.2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 111/2017 registered at P.S. Ambikapur, District Surguja (CG) for the offence punishable under Section 306 of IPC.

The case, as per the prosecution is that the present applicant along with the co-accused is said to have abetted the deceased Renu Agrawal in such a manner which forced her to commit suicide. As per the prosecution case, on 03.03.2017 Renu Agrawal was found dead. In the postmortem report, the opinion of the doctor is that the cause of death could be suspected overdose of drugs.

Counsel for the applicant referred to Annexure A-2 & 3. Annexure A-2 is a collective documents of prescriptions of the deceased taking treatment of psychiatric on account of her mental problem. Counsel for the applicant submits that the deceased had a suicidal tendency as is evident from the complaint which was lodged by the applicant as she had on an earlier occasion consumed pesticides.

State counsel however, strongly opposes the bail application and refers to the

statement of the brother as well as the uncle of the deceased stating that the deceased was subjected to ill treatment and torture in such a manner which forced her to commit suicide.

A perusal of the record would show that the marriage of the applicant and the deceased took place, about 8 years back from the date of incident, in the year 2009. In the intervening period, they had also two children. The documents enclosed with this application reflect the continuous treatment taken by the deceased in respect of some mental disorder. It is also reflected from the documents and which is not disputed by the other side that there had been earlier instance where the deceased had tried to commit suicide by consuming pesticides.

For the above given reasons, this Court is of the opinion that prima facie a strong case for grant of anticipatory bail has been made out.

In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000 with one surety in the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

- (i) that the applicant shall make himself 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 him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge