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HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. (A) No. 325 of 2017**

Parasram Sen S/o Shri Premlal Sen, aged about 37 years, Caste Sen (Nai),
R/o Village Bitkuli, Post Khatiyapati, Tahsil Baloda Bazar, District Baloda
Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Baloda Bazar
(Mentioned as Police Station City Kotwali, Baloda Bazar in the Order)
District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Manish Nigam, Advocate
For Respondent/State	:	Shri N. K. Mehta, Panel Lawyer

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. 153/2017 registered at P.S. Balodabazar, District Balodabazar Bhatapara (CG) for the offence punishable under Section 306 of IPC.

The case, as per the prosecution, against the applicant is that he subjected the deceased Basanti Bai to ill treatment and torture which led her to take the extreme step of committing suicide by setting herself ablaze on 18.03.2017. She died after undergoing treatment for about six days on 23.03.2017. During the course of treatment, the dying declaration of the deceased was also recorded. In the dying declaration itself, the deceased states that there used to be frequent fight with the applicant and that when the applicant refused to perform certain act which she had requested, she got annoyed and there was a fight on account of which she committed suicide.

Considering the total facts and circumstances of the case, this Court is of the opinion that prima facie, the ingredients of abetment as defined in Section 107 IPC for making out an offence under section 306 IPC do not seem to be available. Thus, the applicant is entitled to get the advantage of anticipatory bail.

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