

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1306 /2016

1. Yasin Siddique, S/o. Abdul Haque. Aged About 47 Years.
2. Golu, S/o. Yasin Siddique, Aged About 19 Years.
3. Rehana Siddique, W/o. Yasain Siddique, Aged About 42 Years.
4. Anjum Siddique, D/o. Yasin Siddique, Aged About 21 Years.
5. Taiba Siddique, D/o. Yasin Siddique, Aged About 16 Years.
6. Jeva Siddique, D/o. Yasin Siddique, Aged About 16 Years.

Applicant No. 5 & 6 are minor/juvenile and they are represented through natural guardian father Yasin Siddique (Applicant No.1).

All are R/o. Mominpura, Police Station Ambikapur, District Surguja, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Ambikapur, District Surguja, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Amarnath Pandey, Advocate
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer
For Objector	:	Mr. D.N.Prajapati, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.03.2017

1. Apprehending arrest in connection with Crime No.775/2016 registered at Police Station- Ambikapur, District Surguja (C.G.) for the offence punishable under Section 306 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Salman Khan committed suicide by jumping into a Dam on 29.10.2016. It is alleged that the present applicants have pressurised the deceased to perform marriage with the applicant No.4 Anjum Siddique and since all the applicants who are jointly pressurise to perform marriage, as such, under the

mental stress and pressure, the deceased committed suicide. Thereby the applicants abetted the deceased for commission of offence. It is further alleged that before his death, he wrote a suicidal note wherein it was stated that because of the applicants, he has committed suicide.

3. Learned counsel for the applicants would submit that the entire family members have been inculpated and the alleged suicide note is completely ambiguous. He further submits that even if the suicidal note is accepted, it cannot be stated to be abetment; therefore, the applicants may be enlarged on bail.
4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. Considering the background of this case, taking into fact that the daughters appears to be aged about 21 years and 16 years and further considering the nature of offence and degree of allegation, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicants.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;

- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Ashok

Sd/-
(Goutam Bhaduri)
Judge