

HIGH COURT OF CHHATTISGARH, BILASPURM.Cr.C.(A) No.437 of 2018

Aazhar Ali aged about 48 years, S/o Mazhar Ali, R/o Karmachari Nagar,
Durg, Distt. Durg (CG)

-----Applicant

Versus

State of Chhattisgarh, through Police Station Kotwali, Durg, Distt. Durg
(CG)

---- Non-applicant

For Applicant	:	Mr.Pragalbh Sharma, Advocate
For Non-applicant	:	Mr.R.N.Pusty, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

16/07/2018

1. Apprehending arrest in connection with Crime No.240/2018, registered at Police Station-Kotwali, District-Durg (CG), for the offence punishable under Section 306 read with Section 34 of the IPC, the applicant has filed this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the applicant and co-accused Gayatri Yadav instigated deceased Padma Sahu by which she committed suicide and thereby committed the offence.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that suicide has been committed on 19.11.2016, whereas the FIR has been registered on 21.3.2018, which clearly shows the false implication of

the present applicant in crime in question. Even if the prosecution story is taken as it, no offence under Section 306 of the IPC would be made out against the present applicant. Therefore, he be released on anticipatory bail.

4. On the other hand, learned Government Advocate for the State would oppose the bail application and submit that suicide note of the deceased clearly shows that the present applicant is responsible for suicide committed by her.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, role of the present applicant and nexus between the act of the applicant and suicide committed by the deceased, this Court is inclined to extent the benefit of anticipatory bail in favour of the applicant.
7. Accordingly, this application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating/Arresting Officer. The applicant shall also abide by the following conditions:-
 - (i) that he shall make himself available for interrogation before the concerned Arresting/Investigating Officer as and when required;

- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to the 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-