

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 570 of 2018

- Lankesh Porte S/o Maskekar Porte, aged about 20 years, R/o Village Bilari, Police Station Tilda Newra, Tahsil Tilda, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Tilda Newra, District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Paranjpe, Advocate
For Respondent	:	Shri Adil Minhaj, Panel Lawyer

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

03/07/2018

1. The applicant has preferred this application under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.108/2018 registered at Police Station Tilda-Nevra, District Raipur for the offence punishable under Section 306 of the IPC.
2. As per the prosecution case, the applicant is alleged to have abetted the commission of suicide by the deceased.
3. Learned counsel for the applicant submits that the deceased, a married lady and having two children, had fallen in love with the applicant. She was insisting the applicant to marry her and when the applicant has refused to marry her, she committed suicide on 9.2.2018 by setting herself on fire. He further submits that on prima facie reading of material

collected by the prosecution, the essential ingredients of abetment to suicide are not made out against the applicant. It is further contended that mere refusal to marry the deceased, who was already married, does not constitute instigation or aiding any person so as to constitute abetment as defined under Section 107 of IPC. He further submits that the applicant is a student and if he is arrested by the police, his future would be affected adversely. In these circumstances, the applicant is entitled to be released on bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. Taking into consideration the facts and circumstances of the case, in particular the nature of allegation against the petitioner and material available in the case diary, but without further commenting on the merits of case, I am inclined to extend the benefit of protective umbrella under Section 438 of CrPC to the applicant.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned as the case may be, with the following terms and conditions:
 - that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - that the applicant shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- 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/-
(Pritinker Diwaker)
Judge

roshan/-