

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 711 2018**

Manoj Tonde, S/o. Late Harichand Tonde, Aged About 34 Years, R/o. Village Harinbhattha, P.S. Simga, District Balodabazar - Bhatapara Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Simga, District Balodabazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.S.Rajput, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/07/2018**

1. Apprehending arrest in connection with Crime No.95/2016, registered at Police Station – Simga, District– Balodabazar – Bhatapara (C.G.) for offence punishable under Section 306 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against him on the basis of the material present in the case diary. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the conduct of this applicant had been the reason, the deceased had committed suicide. Hence, no case is made out for grant of bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As per prosecution case, the deceased Rukmani Bandhe had affair with co-accused Billa @ Chandraprakash. This applicant and the parents of the co-accused had objection to the affair, because of which, it is alleged that two days before the incident, this applicant had abused the deceased by using obscene and abusive words. The deceased committed suicide after two days on 25.01.2016. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram