

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 809 of 2018**

Dataram Sahu, S/o. Shri Vishal Sahu, Aged About 32 Years, Occupation Service Posted As Assistant Teacher Panchayat (Shiksha Karmi Grade-III) R/o Village Chhechhar, P.S. Kasdol, Civil And Revenue District Balodabajar-Bhatapara, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Kasdol, District Balodabajar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/07/2018**

1. Apprehending arrest in connection with Crime No.261/2018, registered at Police Station – Kasdol, District – Balodabajar-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 the applicant according to the material present in the case diary. Applicant himself is a disabled person having disability in his legs and left eye and there is no such evidence on record to show that he has abetted the deceased to commit suicide in any manner. 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 deceased is the father-in-law of this applicant, who was aggrieved because of the conduct of this applicant, therefore, the deceased has committed suicide. Therefore, the applicant may not be released on bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, the marriage of the daughter of the deceased with this applicant had taken place about 7-8 years prior to the date of incident. It is alleged that this applicant used to send his wife again and again to her paternal home. On the date of incident, the deceased had been to the house of this applicant with his daughter and after some time the deceased was found hanging in a tree in the compound of the house of the applicant.
6. Considered the submissions made and the contents of the case diary. After considering all the material present in the case diary and looking to the allegation made against this applicant, 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