

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 876 of 2018**

Fuleshwar Rajwade, S/o. Late Babulal Rajwade, Aged About 32 Years,
R/o. Village Jhumarpara Post Office Bhittikala, Police Station Ambikapur,
District- Surguja, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- In-Charge Of Chauki, Chauki Manipur,
Police Station, Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Priyanka Mehta, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/08/2018**

1. Apprehending arrest in connection with Crime No.286/2018, registered at Police Station – Ambikapur, District – Surguja (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 on the basis of the material present in the case diary. Circumstances that are revealed in the investigation can not be regarded as abetment to commit suicide. 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 there is evidence present against the applicant to show that he has

abetted the deceased to commit suicide. Hence, the applicant is not entitled to be released on anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant is this that he had assaulted and beaten the deceased – Tarachand Rajwade few days before the date of incident because of which, the deceased has lodged FIR against the applicant on which, the action has been taken by the police against him. It is alleged that subsequent to that, this applicant had threatened the deceased with dire consequences because of which, he got frustrated and afraid and consumed poison on the date of incident i.e. 24.03.2018 and died. Hence, this case.
6. Considered the submissions made and the documents placed on record. After due consideration on all the material present in the case diary and further considering the facts and circumstances of this case, this Court is of the opinion that present is a fit case, in which the applicant should be extended the benefit of Section 438 of Cr.P.C.
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