

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1042 of 2018**

Khemchand Sahu S/o Late Krishan Chand Sahu Aged About 32 Years
R/o- Village- Sodekela, P.S. And Tahsil Pusaur, District- Raigarh, Civil And
Revenue District- Raigarh, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through- Police Station- Sarsiwan, District- Baloda
Bazar, Chhattisgarh.

---- Respondent

For Applicant	: Mr. M.K. Sinha, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/09/2018**

1. Apprehending arrest in connection with Crime No.171/2018, registered at Police Station – Sarsiwan, District – Baloda Bazar (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. According to the material present in the case, that the applicant was causing harassment to the deceased, this can not be regarded as abetment to commit suicide. Hence, for this reason, 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 oral dying declaration in which the applicant is clearly named as the person, who harassed the deceased to commit suicide, hence, the applicant is not entitled to 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. The applicant happens to be brother-in-law (husband of cousin sister) of the deceased Hasina Sahu. The deceased immolated herself on 29.03.2018 and suffered burn injuries. She was admitted to the hospital for treatment and she died on 03.04.2018 during the course of the treatment. On the basis of the oral dying declaration made by the father of the deceased, the case has been registered against the applicant.
6. Considered the submissions made and the contents of the case diary. According to the allegation that has been made that this applicant used to outrage the modesty of the deceased and also used to harass her for which the deceased got frustrated and committed suicide. Hence, looking to the evidence i.e. proposed against the applicant for his prosecution, 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