

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1166 of 2018**

Kunjram Dewangan, S/o. Shri Timan Dewangan, Aged About 62 Years,
R/o. Village - Katagi, P.S. And Tahsil - Kasdol, Civil And Revenue District -
Balodabazar-Bhatapara, Chhattisgarh.

----Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mr. Neeraj Mehta, P.L.
For Objector	: Mr. Sudeep Agrawal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/10/2018**

1. Apprehending arrest in connection with Crime No.419/2018, registered at Police Station – Kasdol, 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. It is submitted that the applicant is head of Dewangan Samaj and as the family of the deceased was out casted by the Dewangan Samaj for some reason, totally a false allegation has been made against this applicant. Deceased Devmati Bai has died due to natural reason on

04.05.2018 and no case is made out for the offence under Section 306 of the Indian Penal Code. Hence, 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.
4. Counsel for the objector submits that it had been a case of offence under Section 302 of I.P.C. as on the date of incident, the deceased was manhandled by the applicant and others regarding which the complaint has been filed, but because of influence exercised by the applicant and others, lesser offence has been registered against the applicant. Hence, for this reason, this applicant is not entitled to be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the FIR lodged in this case it is alleged that on 04.05.2018 there had been some dispute between the deceased and her family members with the applicant and other members of the Dewangan Samaj and some altercation took place. Subsequent to which, deceased Devmati admitted in the hospital and where she died due to cardiac arrest. Postmortem report also confirms that the cause of death was cardiac arrest.
7. Considered the submissions made and the contents of the case diary. After due consideration on all the evidence collected so far in the investigation, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

9. 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