

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1233 of 2018

- Santosh S/o Nilesh Malakar, Aged About 25 Years, R/o Village Saraipali, P.S. Baramkela, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baramkela, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Raghavendra Pradhan, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-10-2018

1. Apprehending arrest in Special Criminal Case No. No.02/2018 pending before the Court of Special Judge (under Atrocities Act), Raigarh which is based on institution of charge sheet by P.S. Baramkela, Distt. Raigarh (C.G.) for trial of the applicant for the offence under Section 306 of the IPC and Section 3(2)(5) A of SC/ST (Prevention of Atrocities) Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant according to the material placed before the Court by the prosecution. The deceased has committed suicide because of failed love affair, for which this applicant cannot be held responsible. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. Deceased Preeti Shayar had affair with this applicant. Subsequently, when the applicant refused to marry her she committed suicide on 05-10-2016.

The deceased left a suicide note in which she wrote that the applicant had not understood her love, hence she is committing suicide. Hence, this case.

6. After due consideration on the material present in the case diary, I am of this opinion that this is a fit case for grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge