

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 972 of 2017**

Sanjay Ottalwar S/o Late C. M. Ottalwar, Aged About 65 Years R/o
Tilaknagar, Chatapara, P. S. Civil Line, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S. H. O. - Civil Line Bilaspur, District
Bilaspur, Chhattisgarh.,

---- Respondent

For the Applicant	:	Shri V.C. Ottalwar, Advocate.
For the Respondent/State	:	Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.02.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 234 of 2017, registered at police station – Civil Lines, District - Bilaspur, Chhattisgarh for the offence punishable under Section 306 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. Deceased – Vikas Dewangan was financially helped by this applicant on various occasions. Thereafter, the deceased used to harass this applicant for demand of money and consequently the deceased committed suicide on 14.5.2016. No case

of abetment to commit suicide is made out against the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the dying declaration of the deceased clearly alleges that the applicant was the person responsible to commit suicide of the deceased. Hence, the applicant is not entitled for bail.

5. Heard counsel for both the parties and perused the case diary.

6. Deceased – Vikas Dewangan was a servant of this applicant. On 14.5.2016, Vikas Dewangan by setting himself ablaze suffered injuries because of which he admitted in the hospital at Bilaspur. He has stated in the dying declaration that the applicant used to exploit him for his household works. Whenever the deceased denied to do work, he was used to be detained and was threatened to be killed. On the date of incident, the deceased demanded Rs.3,000/- from the applicant which the applicant refused to give and scolded him because of which the deceased got disturbed and after pouring kerosene he set himself ablaze.

7. On perusing the statement of the deceased in his dying declaration and the statements of other witnesses, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge