

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1481 of 2018**

Santosh Kumar Gupta S/o Gendram Gupta Aged About 41 Years R/o Village Rahod, P.S. Shivari Narayan, District- Janjgir-Champa, Chhattisgrh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District- Magistrate Janjgir, Through Police Station- Shivari Narayan, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sumit Singh, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.11.2018**

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.254 of 2018 registered at police station Shivari Narayan, District Janjgir, Chhattisgarh for the offence punishable under Section 306 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case of abetment to commit suicide is made out as the marriage of the applicant with the deceased was more than 10 years old when the incident occurred. Totally false allegations have been

made by the witnesses who are the parents and relatives of the deceased. The deceased herself used to quarrel and pressurize the applicant to move from the village to the place where her parents reside and because of not agreeing to that, the deceased herself used to torture 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 married life of the applicant and the deceased was not peaceful because of which, a complaint was given to the police on 18.2.2016 making various allegations of cruelty, subsequent to which, on the basis of compromise, the deceased again came to reside in her matrimonial home. The deceased had written a letter on 12.4.2016 to her parents, that though she is going to reside in her matrimonial home but in case she again subjected to cruelty, she will take some step for which her husband and in-laws would be responsible. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. The marriage of the applicant with the deceased was solemnized on 20.4.2008 and both had three daughters before 23.8.2018. The deceased committed suicide by consuming poison. After merging enquiry, FIR was lodged on 5.10.2018, on the basis of the statement given by the parents and relatives that the applicant used to torture and give cruel treatment and making her life miserable. Hence, this case.

7. Considered the entire material present in the case-diary. The presumption under Section 113A is not available in this case. According to the material present in this case, the case is made out under Section 498A of the IPC and regarding rest of the offences, the investigation has to be made. Hence, at this stage, I feel inclined to grant anticipatory bail to the applicant.

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