

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1498 of 2018**

Azad Singh, S/o. Gaurishankar Thakur, aged about 28 years, R/o. Village-Bhaisda, Tahsil – Janjgir, District – Janjgir-Champa (C.G.)

----Applicant**Versus**

State Of Chhattisgarh, Through : Govt. Rail Police Bilaspur, District – Bilaspur (C.G.).

---- Respondent

For Applicant : Mr. Hemant Kesharwani, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/11/2018**

1. Apprehending arrest in connection with Crime No.228/2018, registered at Police Station – G.R.P., Bilaspur, District – Bilaspur (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. No case is made out for prosecution against this applicant on the basis of the evidence present in the case diary. Admittedly, the applicant and the deceased had love affair and as the applicant was unable to marry her, she has committed suicide out of frustration, which can

not be said as a result of abetment by this applicant. Therefore, it is prayed 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 according to the statement given by the father of the deceased, this applicant is responsible for the suicide committed by the deceased. Hence, the applicant may not be released on anticipatory 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 and the deceased Aarti Singh had love affair between them. The applicant constantly used to give her assurance to perform marriage, but ultimately, he refused to marry her. It is alleged that the deceased committed suicide by throwing herself in front of running train. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and considering the facts and circumstances of the case, 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