

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1552 of 2018

- Jitendra Kumar Banjare S/o Late Shri Anand Ram Banjare Aged About 37 Years R/o Shivaji Nagar, House No. 44, Ward No 38, Khursipar Gate Bhilai, P. S. Khursipar Bhiali, Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khursipar Bhiali, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. P. Chetan Kumar, Advocate.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

04/12/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.175/2018 registered at Police Station-Khursipar, Bhilai District – Durg(C.G.), for the offence punishable under Sections 304-B of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The death of the deceased is clearly an accidental death or a simple suicide for which this applicant is not at all responsible. The

main accused in this case Satendra Kumar Banjare has been granted anticipatory bail in MCRCA No.1002/2018 vide order dated 7.9.2018, hence, it is prayed that this applicant may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the father of deceased has made a statement that applicant was the person who abetted the deceased to commit suicide, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. Deceased was wife of the younger brother of this applicant, who committed suicide on 21.4.2018 by jumping before a running train and this unnatural death has taken place within 7 years of her marriage. In the evidence present in the case diary, there is statement against this applicant that he was the person who abetted the deceased to commit suicide as he himself had reported that deceased was seen some other man because of which her husband had raised doubt on her integrity and there is also evidence that this applicant use to assault and beat the deceased. Hence, this case.
6. Considered on the material present in the case diary, there is no specific evidence regarding demand of dowry against this applicant whereas the offence registered is only 304B, for which, such evidence is essential. Hence, after due consideration, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer

arresting him on his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge