

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 16 of 2019

- Harendra Rai S/o Late Shri Chhatthi Lal Rai Aged About 56 Years R/o Street No. 20 , Block 4/a , Sector 7, Bhilai ,police Station Bhilai Nagar ,sector 6, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Durg Police Station Anda District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Manish Upadhyay, Advocate.

For Respondent : Mr. A. N. Bhakta, Dy. Adv. General.

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

22/01/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.73/2018 registered at Police Station-Anda, District– Durg(C.G.), for the offence punishable under Sections 306, 120-B, 420, 467, 468, 471, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that no case is made out against this applicant. The name of this applicant has not appeared in the FIR or in the morgue intimation. Even in the dying

declaration that was recorded of the deceased name of this applicant has not named by deceased Sanjay Banjare, hence, the applicant has arrayed as an accused on the basis of the development later on, the case is concocted against him, hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant was participant in the commission because of which the deceased got abetted and committed suicide, therefore, his application be rejected.
4. Heard both the parties and perused the case diary.
5. The case of prosecution is this, that the deceased Sanjay Banjare was the owner of some property which was fraudulently sold out by the co-accused persons and, thus, the deceased was deprived of his rights because of which he got mentally frustrated and committed suicide by hanging himself leaving a suicide note.
6. After considering entire evidence present in the case diary and submissions that have been made which find support, for this reason, I am of this view that this applicant also deserve with grant of anticipatory bail.
7. 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 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