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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 111 of 2019**

Shivlal Jayaswal S/o Late Mahadev Prasad Jayaswal Aged About 50 Years
Caste Kalar, Profession Business, R/o Kisan Rice Mill Road, Namnakala
(Patpariya), Ambikapur, P. S. And Tehsil Ambikapur, District Sarguja,
Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through SHO, Gandhi, Nagar (Dehat Police Station)
Ambikapur, District Sarguja, Chhattisgarh., District : Surguja (Ambikapur),
Chhattisgarh.

---- Respondent

For the Applicant : Shri Manoj Paranjpe and Shri Amit
Soni, Advocates.

For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.02.2019**

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. 1 of 2019, registered at Police Station – Gandhi Nagar, Ambikapur, District Sarguja, Chhattisgarh for the offences 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 is made out against the applicant for his prosecution in offence under Section 306 of IPC. Deceased - Manoj

Singh had borrowed a sum of Rs.1,00,000/- from this applicant in the year 2017 in which he has not returned the same. The applicant has simply asked him on several occasions to do the repayment and making such request does not amount to abetment of commission of suicide. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the contents of the suicide note because of the act of the applicant the deceased felt compelled to commit suicide. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. Deceased - Manoj Singh committed suicide on 29.12.2018 by hanging himself. He has left a suicide note in which he has mentioned that this applicant is responsible for his committing suicide and this applicant has threatened him on number of occasions in various manners only for the reason that the deceased had failed to repay the loan amount. Hence, this case.

7. After considering all the facts and circumstances of the case, I am of the considered view that the applicant deserves to be released on 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