

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 138 of 2019**

1. Aruna Bai Nishad, W/o. Shri Raju @ Raja Ram Nishad, Aged About 35 Years, Occupation- Fish Seller, Caste- Kevat,
 2. Raju @ Raja Ram Nishad, S/o. Shri Kawlu Nishad, Aged About 35 Years, Occupation- Fish Seller, Caste- Kevat,
- Both are R/o Mathpara, Paithupara, Kawardha, Police Station- Kawardha, Tahsil- Kawardha, District- Kabirdham, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station- Bhoramdev, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Dheerendra Pandey, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/02/2019**

1. Apprehending arrest in connection with Crime No.58/2018, registered at Police Station – Bhoramdev, District – Kabirdham (C.G.) for offence punishable under Section 306, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants according to the material present on record. The deceased Shyamlal had borrowed Rs.75,000/- from both the applicants in the year 2012 and the applicants were constantly insisting and requesting the deceased to make refund of the amount borrowed. Ultimately, the applicants were compelled to file a complaint before the Court below praying for registration of complaint against the deceased for registration of offence under

Section 420 of I.P.C. on 19.10.2016, which is pending before the Court of C.J.M., Kawardha. Making demand for repayment of amount borrowed does not amount to abetment to commit suicide. Therefore, it is prayed that the applicants 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 in the suicide note left by the deceased Shyamlal, he has clearly held responsible both the applicants for his commission of suicide. Therefore, the applicants 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. Considered the submissions made and the contents of the case diary. On perusal of the contents of the case diary and the documents filed along with the application, it appears that case of the applicants finds some support, therefore, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
7. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them 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 applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram