

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 316 of 2019

- Jagdish Jhadi, S/o Durgaiya, Aged About 25 Years, R/o Timed, Police Station - Bhopalpatnam, District-Bijapur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Toynar, District - Bijapur Chhattisgarh.

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate.
For Respondent : Mr. I. Lakda, Dy. Govt. Advocate.

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

01/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.11/2018 registered at Police Station-Toynar, District-Bizapur(C.G.), for the offence punishable under Section 306 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant and the victim/deceased both had love affair which was disclosed to their family members. When the applicant refused to keep the victim as his wife, because of that she has committed suicide. This does not amount to any abetment for commission of offence as it is described under Section 107 of IPC. FIR in this case is lodged belatedly almost after 3 years, therefore, no case is made out against this applicant, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that when the deceased was caught red handed with the applicant in a room, the applicant for the purpose of making an escape from the situation made a false promise that he will marry her but later on he has refused to do so that is why the deceased committed suicide leaving a suicide note, in which, she has held the applicant responsible, therefore, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged the deceased Mamta aged about 23 years and the applicant both had a love affair. Once they were having intimate time in the room in her house, her family members came to know and caught the applicant. The applicant then promised that he will marry the deceased then he was allowed to go and, thereafter, he has refused to marry her, therefore, the deceased got aggrieved after refusal of the applicant, hence, committed suicide.
6. Considered on the entire material present in the case diary and the evidence that is proposed to show that it was a case of abetment to commit suicide, hence, after due consideration, I am of this opinion that this is a fit case where applicant should be granted 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha