

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.A. No. 551 of 2019

- Abhay Kumar Dubey S/o Shambhu Nath Dubey, Aged About 31 Years, R/o Takiya Road, Near Usha Public School, Gandhi Ward No. 21 Ambikapur Police Station- Kotwali, Ambikapur, District Surguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Schedule Caste Welfare Ambikapur Surguja Chhattisgarh

---- Non-applicant

For Applicant : Mr. Aman Upadhyay, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-07-2019

1. Apprehending arrest in connection with Crime No. 88/2019, registered at Police Station– Schedule Caste Welfare Ambikapur, Surguja, Chhattisgarh for offence punishable under Section 306 of I.P.C. and Section 3(2-5) of SCST (Prevention of Atrocities Act), the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that no case is made out for abatement to commit suicide against this applicant. It is denied that the applicant and the deceased had a relationship but the deceased has committed suicide because of some reason. As she had left her husband to live in relationship with this applicant regarding which she had grievance. Therefore, it is prayed that this applicant be granted anticipatory bail. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that according to the suicide note left by the deceased, this applicant had made her life miserable by abusing and beating her on various pretexts, that is why no case is made out for grant of bail to this applicant.

4. Heard learned counsel for the parties and perused the case diary.
5. The deceased was married to one Pardeshi Agariya. About two and half years before the date of incident, the deceased left her husband and came to live with this applicant. The deceased committed suicide on 30.10.2017 by hanging to the iron-pipe. One suicide note was found in which the deceased had narrated that her life was made miserable by the applicant by abusing her and beating her on number of occasions on various pretexts and also was not allowing her to meet her daughter and other relatives. Therefore, she was compelled to commit suicide.
6. After considering on the entire material present in the case diary, I feel inclined to allow this application.
7. Accordingly, the anticipatory bail application is allowed. 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika