

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 651 of 2019

- Pankaj Sharma, S/o Ambika Prasad, Aged About 31 Years, By Caste Brahmin, R/o Village Bevarti, Thana, Tahsil And District U. B. Kanker Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through Police Station-Kanker, District U. B. Kanker Chhattisgarh.

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate.

For Respondent : Mr. Aditya Sharma, Panel Lawyer.

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

06/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.95/2019 registered at Police Station-Kanker, District U.B.-Kanker(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. Deceased Arjun Sahu had borrowed some money from this applicant and this applicant had only demanded back said amount from the deceased, which cannot be said to be abetment to commit suicide in any manner. The deceased committed suicide on 2.10.2018 whereas FIR was lodged after sufficient delay on 28.3.2019 only on the basis that the name of this applicant was found written on the palm of the deceased. Hence, it is

prayed that applicant be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that according to statement given by the wife of the deceased, this applicant had made a phone call to the deceased in the evening of the day before he committed suicide and pressurized for repayment of loan and threatened also saying that if the loan was not repaid then he will take possession of pick-up vehicle belonging to the deceased. This act and behaviour of applicant compelled the deceased to commit suicide, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. Deceased Arjun Sahu committed suicide on 2.10.2018 by hanging himself. Morgue intimation and FIR was lodged on 28.3.2019 on the basis of the statement given by the wife of the deceased. Hence, this case.
6. Considered on the nature of the case and the statement given by the witnesses, after due consideration, I feel inclined to allow the application to this applicant.
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