

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1193 of 2019**

Pushpendra Vaishya, S/o Late Shri Shyamkishore Vaishya, Aged About 38 Years R/o Beside Gayatri Mandir Amarpurroad- Pendra, Police Station Pendra, District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through Police Station Pendra, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Achyut Tiwari, Advocate.
For Respondent/State	:	Shri Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

20/08/2019

1. Heard.
2. This is the first bail application filed under Section 438 of the Cr.P.C. filed by the applicant for grant of anticipatory bail, who is apprehending arrest in connection with Crime No.149/2019 registered at Police Station – Pendra, District Bilaspur, C.G. for the offence punishable under Section 306 of the Indian Penal Code.
3. As per the prosecution case, on 26.05.2019 the complainants lodged the complaint to the police station Pendra stating therein that the deceased was their sister and married to the applicant and he always tortured the deceased and always quarreled with her, due to which she committed suicide. It is also stated that the deceased always comes to her matrimonial house as being after tortured by the applicant. It was further alleged that on the date of incident when they

reached in the house of the applicant, the mobile of the deceased was carried by one Sanjay Gupta. According to them, it appears that some data of the mobile of the deceased was deleted. On the basis of complaint made by the complainants the offence was registered against the applicant under Section 306 of the IPC.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the applicant has no criminal antecedent and if he is arrested in the present case he will suffer irreparable loss. The applicant is the husband of deceased and the deceased was habitual to torture the applicant mentally due to several reasons. Hence, it is prayed that the applicant are entitled for grant of anticipatory bail.
5. On the other hand learned counsel for the State opposes the bail application.
6. Heard counsel for the parties and perused the case diary.
7. Looking to the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed.
8. 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 the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He 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 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/-
(Rajani Dubey)
Judge