

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 1259 of 2019**

- Vikash Sahu S/o Tipu Ram Sahu, aged About 25 Years R/o Village - Charoda, Police Station Dharsiwa, District Tehsil and District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Gurur, District Balod, Chhattisgarh.

---- Respondent

For Applicant	: Shri Subhyasachi Bhaduri, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****18/10/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 168/2019 registered at Police Station Gurur, District – Balod, (C.G.) for the offence punishable under Sections 498-A, 306 of Indian Penal Code.
2. In the present case, on 05.02.2019 deceased Damini, wife of the present Applicant committed suicide in her parental house. Marriage between the present Applicant and deceased Damini was solemnized on 08.02.2015. As per the prosecution story, after the marriage, present Applicant and his family members used to torture and beat the deceased. Therefore, she (deceased) made a complaint on 08.06.2018 before Superintendent of Police, Raipur and copy of the same was also sent to Mahila Police Station, Raipur. Thereafter, Applicant and his family members and deceased and her family

members were called by the police but allegedly, present Applicant and his family members not came before police. Therefore, deceased Damini sent a notice on 26.09.2018 to the Applicant through her Advocate. After receiving the notice sent by the deceased, present Applicant threatened the deceased by saying that he will viral the videos which was made earlier during their physical relationship. On the above background, on 05.02.2019 deceased committed suicide in her parental house. On the basis of the written complaint made by the father of the deceased, offence has been registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no offence under Section 498-A, 306 of I.P.C. can be made out against the present Applicant. Before committing suicide, deceased herself was residing in her parental house for last nine months. It is further submitted that there is nothing on record on the basis of which it can be said that present Applicant has instigated the deceased to commit suicide in any manner. After death of the deceased, Applicant filed an application under Section 98 of Cr.P.C. for custody of his child, thereafter, present complaint has been lodged by the Complainant. Looking to the above, Applicant may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the facts and circumstances of the case and particularly considering the fact that deceased committed suicide in her parental house and before committing suicide, she was residing in her parental house for last nine months, thus, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge