

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.337 of 2020

Palendra Sahu S/o Kanhaiyalal Aged About 35 Years R/o Village
Madanpur, Post Singhri, P. S. Ratanpur, District Bilaspur Chhattisgarh,

---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Ratanpur,/ Collector District Bilaspur Chhattisgarh ---- **Respondent**

For Applicant	:	Mr. Syed Majid Ali, Advocate.
For Respondent/State	:	Ms. Fouzia Mirza, Additional A.G.
For Objector	:	Mr. Anil S. Pandey, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/06/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.100/2020 registered at police station – Ratanpur, District Bilaspur (C.G.) for alleged commission of offence under Section 306 of IPC.
2. Case of the prosecution is that the deceased was engaged and working as driver in the employment of the present applicant. As the deceased committed accident, he was assaulted, abused and scolded by the applicant, whereafter, deceased committed suicide. Therefore, it is alleged that the applicant abetted commission of suicide.
3. Learned counsel for the applicant would submit that even if the entire case of the prosecution is taken as it is, no ingredient of commission of offence under Section 306 of IPC as defined under Section 107 IPC are made out. He would submit that the applicant had taken the deceased for treatment.
4. On the other hand, learned counsel for the State and Objector oppose and submit that it was because of the scolding, assault and abuse given by the applicant that the deceased committed suicide. Therefore, prima facie, case is made out.

5. Having considered the submission of learned counsel for the parties, particularly, taking into consideration the submission that even if the entire allegations are taken as it is, ingredient of commission of offence under Section 306 of IPC in view of definition of abetment, as defined under Section 107 IPC are not made out, present is a fit case for grant of anticipatory bail. Accordingly, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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 facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha