

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 461 of 2020

Harishankar S/o Shri Ramprasad Aged About 38 Years R/o Kosir, Sarangarh, Raigarh, Present Address Ravishankar Shukla, Korba, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Sarsiwa, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Mishra, Advocate.

For Respondent/State : Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/06/2020

1. The applicant has filed this second bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 385/2019, registered at Police Station Sarsiwa Distt. Baloda-Bazar Bhatapara (C.G.) for the offence punishable under Section 306, 34 of the IPC.
2. First bail of the Applicant was dismissed as withdrawn vide order dated 13.02.2020 passed in MCRCA No. 76/2020.
3. In this case, the applicant was the husband of deceased Parmila Sahu. Marriage between the deceased and the applicant was solemnized in the year 2010. On 09.05.2018, the deceased committed suicide in her paternal house by pouring kerosene oil on her and set herself on fire. The morgue was lodged by brother of the deceased and on the basis of morgue report, on 20.11.2019 FIR has been registered and the applicant and other co-accused persons.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. *Prima facie* no case under Section 306 of the IPC can be made out against the applicant. There is no specific allegations have been made by

the parents of the deceased against the applicant. The Counsel further submits that since 08.04.2018 the deceased was in her paternal house because she went there to attend marriage ceremony of her brother, the applicant was also gone with her but, on 08.04.2018, the applicant returned to his house along with his son and the deceased was stayed there. Thereafter, on 09.05.2018, the deceased committed suicide. The Counsel further submits that as define in Section 107 of the IPC, there is no material available on record regarding instigation. The Counsel lastly submits that other co-accused persons have already granted benefit of anticipatory by this Court vide order dated 13.02.2020 passed in MCRCA No. 76/2020. Hence, it is prayed that the applicant may also be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, after gone through the statement of the witnesses and further considering the fact that the deceased was in her paternal house since one month of the incident and there she committed suicide. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and

- IV. 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/-

(Arvind Singh Chandel)
Judge