

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 690 of 2020**

Umashankar Jaiswal S/o Santose Kumar Jaiswal R/o Post Pirda, Thana-
Malkharoda, Distt. Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Police Station Jaijaipur, District Janjgir-Champa
(C.G.).

---- Respondent

For Applicant	:	Mr. T.K. Jha, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

21/08/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 53/2020 registered at police station – Jaijaipur, District Janjgir-Champa (C.G.) for the offence punishable under Section 306 of the IPC.
3. According to the case of the prosecution, Deceased Divya, aged about 23 years, had committed suicide by consuming some poisonous substance on 14/05/2020. It is alleged that there was relationship between the Deceased and the applicant and due to that relationship, the applicant had performed marriage with her and resided together for some time. During this period, the Deceased got pregnant and the

applicant by giving some medicines had aborted the pregnancy of the Deceased, due to which she was depressed. It is further alleged that after the marriage, the applicant had developed relationship with another girl and thereby he continuously tortured the Deceased mentally, therefore, she committed suicide.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Though the applicant and the Deceased were in relationship, the alleged relationship ended in the year 2017. Both had never performed marriage. He further submits that after 2017, the applicant was not having any contact with the Deceased, therefore, prima-facie no offence under Section 306 of the IPC is made out against the applicant. He further submits that ingredients of Section 107 of the IPC for instigating the Deceased is totally missing in the present case, therefore, the applicant may be extended the benefit of anticipatory bail.
5. Learned counsel appearing on behalf of the State opposes the said application. Referring to some contents of the diary belonging to the Deceased, he submits that the diary was written by the Deceased in February, 2020, therefore, it is clear that their relationship continued till February, 2020. He further submits that looking to the material available, the bail application may be rejected.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and further considering the fact

that there is no material available on record which prima-faice establishes that the applicant and Deceased resided together as husband and wife, and the applicant had aborted her pregnancy, without further commenting on other merit of the case, I am inclined to extend the benefit of 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 bond in the sum of Rs.10,000/- with one 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, the accused/applicant shall make 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge