

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 876 of 2020**

- Yogesh Kumar Netam S/o Late Mansaram Netam Aged About 34 Years R/o Devnandan Nagar Phase 1 Chatidih, Bilaspur, Thana Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Sarkanda , District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Anand Shukla, Advocate
For Respondent/State	: Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****25/09/2020**

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 579/2020 registered at Police Station Sarkanda, District – Bilaspur, (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
3. In the present case, name of the deceased is Mahangu Ram Netam aged about 84 years. On 22.12.2019, deceased committed suicide by lightning fire on his clothes. Initially, merg was lodged and after merg inquiry, on 15.6.2020 FIR was registered against applicant. According to the case of the prosecution, deceased had no child and he used to

reside with applicant treating him as his son. After applicant got a job, he asked the deceased to leave his house but deceased did not leave the house. Allegedly, applicant asked the deceased many a times to leave but he did not do so and for the said reason, a quarrel took place between both of them. Thereafter, deceased committed suicide by setting himself on fire. On the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicant submit that applicant is innocent and has been falsely implicated in the present case due to some property dispute. He further submits that applicant is the nephew of the deceased and they both were having cordial relationship among them. In the year 1999, deceased had executed a registered will in favour of the applicant. It is further submitted that if the entire case is taken as it is, *prima facie*, no offence under Section 306 of the IPC is made out against present applicant. Also, ingredients of Section 107 of IPC is totally missing in the present case. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the anticipatory bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and on perusal of the statement of the

witnesses recorded under Section 161 of Cr.P.C., it appears that there was dispute for house property between applicant and deceased and deceased did not vacate the house, other than this fact, there is no such material available on record on the basis of which it can be said that applicant, in manner, has instigated the deceased to commit suicide, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. 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