

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1339 of 2019

- Suresh Malekar S/o Late Mohan Malekar Aged About 27 Years R/o Naharpar, South Vasundhara Nagar, Bhilai-3, P.S. Purani Bhilai, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S.- Purani Bhilai District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Renu Kochar, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/01/2020

1. The applicant has filed this 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. 323/2019, registered at Police Station Purani Bhilai, Distt. Durg (C.G.) for the offence punishable under Sections 306, 34 of the IPC.
2. As per prosecution story, the applicant is the husband of deceased Geeta. Marriage between the applicant and the deceased was solemnized before five years of the incident, from their wedlock, they have blessed with two children. On 09.06.2019, the deceased committed suicide by pouring kerosene oil on her. Allegedly, after the marriage, the applicant used to commit *marpeet* with the deceased, he was having an illicit relationship with another lady namely Leena. On the date of incident also, the applicant and Leena quarreled with the deceased due to which she committed suicide.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. No case under Section 306 of the IPC can be made out against the applicant. She further submits that in the dying declaration of the deceased, she has not stated anything against the applicant. The counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that in the dying declaration of the deceased, she has not stated anything against the applicant. 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.
7. Accordingly, the anticipatory bail application is allowed.
8. 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 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 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