

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1677 of 2019**

- Sandeep Mishra S/o Late Shri B.L. Mishra, Aged About 48 Years Occupation Businessman, R/o 627/4, Awadhpuri, Risali, Bhilai, Police Station Newai, Tahsil Durg, District Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Newai, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri Dhiraj Kumar Wankhede, Advocate.

For Respondent/State : Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****14/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 225/2019 registered at Police Station Newai, District – Durg, (C.G.) for the offence punishable under Section 306 of Indian Penal Code.
2. As per the prosecution story, on 18.09.2019, deceased Sonam Sharma, aged about 25 years committed suicide by hanging herself. It is alleged that present applicant, who is a married man, having two children, was having love affair with the deceased for the last seven years. It is further alleged that despite of having love affair with the deceased, applicant did not keep her with him and, thereafter, married to someone else. One suicidal note in this regard is also found on the spot. On the basis of the above background, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case under Section 306 of I.P.C. is made out against present applicant. Applicant is a married man, aged about 48 years and is having two children. It is further submitted that there is no material available on record on the basis of which it can be said that applicant has instigated or abetted the deceased to commit suicide. Also from the contents of suicidal note, offence under Section 306 of I.P.C. is not made out. Looking to the above, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. 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, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. 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/her 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

Prakash