

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1747 of 2019

- Anand Yadav S/o Shri Chamru Yadav Aged About 35 Years R/o Village Navadih Khurd Post Office Sabag Thana Samri District - Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Samri, District-Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rakesh Pandey, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.
For Objector	: Mr. Amit Singh Advocate on behalf of Mr. Vivek Singhal, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

23/01/2020

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. 37/2019, registered at Police Station Samri, Distt. Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 306 of the IPC.
2. As per prosecution story, on 19.06.2019, wife of the complainant namely Smt. Revati Yadav committed suicide by consuming some poisonous substance in her house. On 19.07.2019, husband of the deceased namely Anil lodged a report against the present applicant alleging therein that the applicant has tortured his wife/deceased for making physical relationship with him and he also pressurized her on the same ground due to which the deceased committed suicide. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that no case under Section 306 of the IPC can be made out against the applicant. There is nothing on record on the basis of it can be said that the applicant has instigated or pressurized the deceased. On 19.06.2019, when deceased committed suicide, on that date morgue was lodged by the husband of the deceased therein no such allegations have been made by him against the applicant. At the time of inquest proceedings also, any of the witnesses have disclosed anything against the applicant. After a month, the complainant lodged a false report against the applicant. The Counsel finally submits that the applicant is a reputed person of his society, he is the permanent resident of above mentioned address and there is no change 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 both the parties.
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 the complainant has nothing stated in morgue information against the applicant and after a month he has lodged the report against the applicant, without further commenting on merits of the case, I am inclined to 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. 20,000/- 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