

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1742 of 2019**

- Vishambhar Rathiya S/o Vinod Kumar Rathiya Aged About 26 Years R/o Village Choranga, Police Station Lailunga, District - Raigarh, Chhattisgrah, Civil and Revenue District - Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Officer In-Charge, Lailunga, District - Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ashutosh Mishra, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/02/2020

1. The applicant has preferred this first bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 189/2019 registered at Police Station Lailunga, District Raigarh, (C.G.) for offence punishable under Section 306 of Indian Penal Code.
2. Facts of the case, in brief, is that applicant is the husband of deceased Satya Kanwar. On 05.02.2019 deceased committed suicide by hanging herself on a tree. Prior to the incident, a quarrel took place between applicant and deceased, thereafter, applicant told his wife that he has consumed some poisonous substance. Then the applicant refused for medical treatment. Being aggrieved from the incident, wife of present applicant committed suicide. On the basis of the said, 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 offence under Section 306 of I.P.C. is made out against present applicant. Also, there is nothing on record on the basis of which it can be said that applicant has instigated or abetted the deceased in any manner to commit suicide. Looking to the above, it is prayed that applicant may be released on 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 his 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 may 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