

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1776 of 2019

- Dulal Mandal S/o Late H. Mandal Aged About 55 Years, Caste-Namoshudra, R/o Village Premnagar, Dharamjaigarh Police Station And Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashok K. Shukla Advocate.
For Respondent/State	: Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/01/2020

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. 45/2019, registered at Police Station Dharamjaigarh, Distt. Raigarh (C.G.) for the offence punishable under Sections 306 & 34 of the IPC.
2. As per prosecution story, the applicant is the father-in-law of deceased Ankita. On 24.01.2018, marriage between son of the applicant and the deceased was solemnized. Allegedly, on 28.11.2018 due to ill-treatment of husband of the deceased and the applicant, the deceased consumed some poisonous substance. During course of treatment, on 02.12.2018, she died. On the basis of this background, 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 prima facie no case under Section 306 of the IPC can be made out against the applicant, only general allegations have been made against him. The Counsel further submits that In the dying declaration of the deceased, she has not stated anything specific against the applicant. The main accused is husband of the deceased namely Deepak Mandal in the crime in question who has already granted benefit of regular bail by this Court vide order dated 10.01.2020, passed in MCRC no. 6544/2019. Hence, it is prayed that the applicant 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 facts that only general allegations have been made against the applicant, co-accused Deepak Mandal has already granted benefit of regular bail by this Court. Without further commenting on other 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