

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1813 of 2019**

- Pradeep Gupta S/o. Late Dukhi Sao Aged About 33 Years R/o. Village Ghongha, P.O. Barti Kalan, P.S. Chandaura, Tahsil Pratappur, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through In-Charge Of Aadim Jati Kalyan Prakoshtha (Schedule Caste Welfare Cell) Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Priyanka Mehta, Advocate
For Respondent/State	: Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/01/2020

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. 01/2019 registered at Police Station Aadim Jati Kalyan Prakoshtha, Surajpur, District – Surajpur, (C.G.) for offence punishable under Section 306 of I.P.C. and Section 3(2-5) Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.
2. Facts of the case, in brief, is that applicant is the husband of deceased Priyanka. Deceased belonged to Scheduled Caste Community. Both applicant and Priyanka/deceased had performed inter-caste marriage and at the date of marriage deceased was minor. After the marriage, applicant did not take Priyanka at his home but he used to visit Priyanka's home occasionally. On 01.04.2019 applicant took the deceased to Ambikapur and thereafter, he left the deceased to her parental house. On being asked by the parents of the deceased, she disclosed the fact that applicant had taken her in Ambikapur Court where he filed application of divorce in which he got her sign and now he does not want to keep her with him and want to get second

marriage. Thereafter, on 02.04.2019 deceased consumed poison at mid-night, then she was immediately taken to hospital. During course of treatment, on 03.04.2019 deceased died. 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. She further submits that there is no such material available on record on the basis of which it can be said that applicant has abetted or instigated 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