

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1904 of 2019

- Jainsingh Diwan S/o Shri Rohanlal Diwan Aged About 48 Years R/o Village - Kutena, Police Station Panduka, District - Gariyaband Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chhura, District - Gariyaband Chhattisgarh.

---- Respondent

For Applicant : Shri Shashank Thakur, Advocate.

For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25/02/2020

1. The Applicant is apprehending his arrest in connection with Crime No. 69/2019 registered at Police Station Chhura, District – Gariyaband, (C.G.) for the offence punishable under Sections 306, 201 & 34 of Indian Penal Code.
2. As per the prosecution story, one Santosh Dewar, who was a suspected accused in Crime No. 81/2018 registered at Police Station Chhura committed suicide by hanging himself in the lock-up room of the police station. A judicial enquiry was conducted and vide report dated 10.04.2019, a recommendation was made for registration of offence against present applicant and other staff of police station. 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 there is no material available on record on the basis of which *prima facie*, offence under Section 306 of I.P.C. can be made out against 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. He further submits that from the perusal of the post-mortem report, it is well established that only ligature mark is found in the neck of the deceased and no other bodily injury was found. Looking to the above, it is prayed that present 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 and further considering the fact that no injury was found on the body of the deceased, 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 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 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