

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 479 of 2021**

- Sandeep Kumar Vishwakarma S/o Shri Jawahar Lal Aged About 30 Years, Caste-Lohar, R/o Village- Raliya Chowki- Hardibazar, District- Korba, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Chowki- Hardibazar, Thana- Kusmunda, District- Korba, Chhattisgarh

---- Respondent

For Applicant : Shri Rajesh Kumar Kesharwani, Advocate

For Respondents/State : Ms. Astha Shukla, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****30/07/2021**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 56/2021 registered at Police Station Chowki-Hardibazar Thana- Kusmunda, District Korba (C.G.) for the offence punishable under Section 306 of I.P.C.
3. As per the prosecution case, one Babita Bai Chauhan committed suicide by hanging on 22.03.2017. She was initially married to one Raj Kumar Chauhan, however, because of her ailments she was deserted and the applicant being the neighbour developed some extra marital affair with the deceased and subsequently the applicant married to some other girl and that was the reason of suicide.
4. Learned counsel for the applicant would submit that the date of death is

22.03.2017 and no abetment is caused by the applicant and there is no evidence on record to establish that the applicant abetted the deceased to commit suicide, therefore, the applicant may be given the benefit of anticipatory bail.

5. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and he read out certain part of the diary which was recovered which is written by the applicant.
6. Having regard to the facts and circumstances of the case as the incident is of 22.03.2017. Taking into such fact in entirety and the contents & tenor of the diary, I am inclined to allow this anticipatory bail application.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) that the applicant shall make himself available for interrogation before the investigation officer as and when required;
 - (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

Goutam Bhaduri
Judge

Ashu