

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 722 of 2021**

- Dr. M.M. Singh (Madan Mohan Singh) S/o late Raja Singh, aged about 58 years, R/o House No.1407, Sadak No. 29, Nearby Dashahara Maidan, Shanti Nagar, Bhilai, Tahsil and District Durg (C.G.)

---- Applicants**Versus**

- State Of Chhattisgarh Through : The District Magistrate Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Mr. T.K. Jha, Advocate.
For Respondent.	:	Mr. B.P. Banjare, Dy. G.A.
For Objector	:	Mr. Vipin Tiwari, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/06/2021**

1. Proceeding through video conferencing.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.164/2021 registered at Police Station – Nandini, District Durg (C.G.) for commission of the offence punishable under Section 306 of Indian Penal Code.
3. The prosecution case, in brief, is that deceased namely Egewshwar Yadav committed suicide by hanging himself on a tree. During investigation, it was revealed that the deceased, who was working with the applicant, was harassed by him and also taken Rs.3,00,000/- from the deceased for procuring x-ray technician certificate. It was also revealed that the

deceased was compelled by the applicant to work in his house as maid after office hour and also threatened to be fired, as a result of which the deceased committed suicide leaving a suicide note blaming the applicant. Based on this, FIR has been registered against the applicant for the offence of abetment of suicide punishable under Section 306 IPC.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that no element of abatement of suicide has been found in the case. He also submits that the health condition of applicant's wife is not well and his daughter is also blind. It is the only applicant who has to lookafter them. He next submits that the applicant will fully co-operate in the investigation and is ready to furnish adequate surety and shall abide by all the directions and conditions, which may be imposed upon him by the Hon'ble Court.
5. Counsel for the State however opposes the application for anticipatory bail.
6. Learned counsel for the Objector opposing the anticipatory bail application submits that the deceased was treated in inhuman manner by the applicant, who is doctor by profession. The act of the applicant compelled the deceased to take such extreme step. The deceased has left a suicide note in which specific allegation has been raised against the applicant. Therefore, anticipatory bail may not be granted to the applicant.
7. I have heard learned counsel for the parties and perused the

record.

8. After hearing counsel for the parties and considering all relevant aspects of the matter, and in absence of the fact of abetment, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
9. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned investigating 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 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 him by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge