

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 951 of 2021**

- Dhananjay Revatkar, S/o Shri Chandrakant Revatkar, Aged About 26 Years By Caste Teli, By Occupation Service, R/o Labour Colony, House No. 119, Thana Kotwali, Tahsil And District Rajnandgaon Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh, Through Police Station Basantpur, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	: Shri Parag Kotecha, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

17.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 296 of 2021 registered at Police Station Basantpur, District Rajnandgaon Chhattisgarh for commission of offenses punishable under Sections 306 and 34 of IPC.
2. Case of the prosecution, in brief, is that, deceased Manju Verma consumed poison on 29.05.2021 while her stay in her rented accommodation. She was immediately taken to the Hospital by landlord Virendra Mekam and got her admitted in Balaji Hospital. Further, she was taken to Mekahara Hospital at Raipur, where she died during the course of treatment on 04.06.2021. Merg was intimated to concerned Police Station and FIR was registered. Based on FIR, instant crime has been registered against present applicant and co-accused Chiteshwar @ Munna.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Parag Kotecha, learned counsel for the applicant submits that present applicant and deceased were working in Valraj Honda Showroom. Deceased was residing separately in a rented accommodation at Rajnandgaon, whereas applicant was residing separately. She consumed poison on 29.05.2021 in her house. Allegations levelled against present applicant is absolutely false and baseless. He submits that deceased was taken to hospital on the same day ie on 29.05.2021 and during the course of her treatment, she died on 04.06.2021 but Police has not recorded any statement of deceased. Allegations against present applicant have been levelled by father and sister of deceased in the month of July, 2021. There was no act of instigation of commission of instant crime by applicant, hence, he may be enlarged on bail under Section 438 of CrPC.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that deceased and present applicant were working in Valraj Honda Showroom and they were having relationship. Father-Raghunath Verma and Sister-Lilavati of deceased have made statement making allegations against present applicant and co-accused with regard to harassment on the ground of asking for sexual favour with deceased. Deceased herself intimated her parents and sister against present applicant, hence he is not entitled for anticipatory bail. Upon putting specific query with regard to dying declaration or any statement of deceased available on record,

he submits that statement of deceased recorded on 30.05.2021 by the Police is available on record. Learned counsel read over contents of statement of deceased, wherein no such allegation is levelled against present applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant; particularly, contents of statement of deceased recorded on 30.05.2021, wherein there is no allegation against present applicant of asking for sexual favour, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;
- b) 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;

c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma