

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1256 of 2020**

- Bhupendra Dewangan S/o Dhanesh Ram Dewangan Aged About 25 Years R/o 118, Dayalupara, Dondekhurd, Police Station Vidhansabha, Raipur, District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Station Dharsiva, Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri Pawan Kumar Kashyap, Advocate
For State	:	Shri Amit Verma, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/02/2021**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.342/2020 registered at Police Station – Dharsiva, District – Raipur CG) for alleged commission of offences under Section 306 of IPC.
2. Prosecution case is that due to abetment by the applicant, the deceased, who was in affair with the applicant, committed suicide.
3. Learned counsel for the applicant would submit that the prosecution has indulged the applicant in the alleged commission of offence on the basis of suicidal note alleged to have been left by the deceased at the time of committing suicide and even if the entire content is accepted as it is, no case under Section 306 of IPC is made out as abetment, as described in Section 107 IPC, is completely lacking. The contents of the suicidal note show that the deceased was in love with the applicant but the applicant was not prepared to marry her particularly because of resistance of applicant's parents and this was written in the suicidal note that if the parents of the applicant would not agree with the relationship, she would commit suicide.

4. On the other hand, learned State counsel opposes prayer and submits that the applicant entangled in love with the deceased and thereafter, left in lurch which caused serious mental agony and ultimately committed suicide, therefore, it would be a case under Section 306 IPC.

5. Taking into consideration the submission of learned counsel for the parties, contents of suicidal note and the main operative reason that the applicant was not prepared to go for marriage with the deceased and the deceased has written in the suicidal note that if the applicant's parents would not agree for marriage, she would commit suicide, I am inclined to extend the benefit of anticipatory bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two local sureties for the like sum to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions:-

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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 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.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge