

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 75 of 2021**

- Man Mohan Lal Yadav S/o Shri Govind Ram Yadav Aged About 36 Years R/o Village- Pachpedi, Urga, District- Korba (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, P.S. Nagarda, District- Janjgir-Champa (C.G.)

---- Respondent

For Applicant	:-	Ms. Shivali Dubey, Advocate
For Respondent-State	:-	Mr. Anmol Sharma, PL

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board**05/03/2021**

1. Heard.
2. The applicant has preferred this bail application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.118/2020 registered at Police Station Nagarda, Distt. Janjgir-Champa, C.G. for the offence punishable under Section 306, 34 of the I.P.C.
3. Deceased – Jeevan Lal Kanwar consumed poison on 17.8.2020 and later on died in course of treatment on 28.8.2020. It is alleged that the present applicant along with

co-accused persons Ashok Rathore and Vinay Kumar has retained the ATM Card, Passbook and Cheque book of the deceased and had also retained a vehicle purchased in the name of the deceased but the recovery notice was served on the deceased, therefore, he was mentally disturbed. On account of being mentally tortured by the applicant and co-accused persons, he consumed poison.

4. Learned State counsel would submit that co-accused Ashok Rathore has been arrested and the charge-sheet has already been filed against him in which offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has already been added.
5. Considering the fact that there is no allegation that deceased was subjected to ill-treatment only for the reason that he belongs to Scheduled Tribe community and also for the fact that the bail rejection order in the Sessions Court has been decided by the Additional Sessions Judge and not by the Special Court, I am inclined to entertain this application.
6. Considering the nature of allegations, it appears debatable as to whether the facts constituting the offence under Section 306 of the I.P.C. shall be eventually proved or not. The deceased committed suicide in his own house and the

applicant was not present at the time of commission of suicide, therefore, behavior of the applicant may be a reason for commission of suicide but it is difficult to conclude at this stage as to whether or not it would amount to abetment.

7. In the facts and circumstances of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.
8. Accordingly, 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.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (i) he shall make himself available for interrogation by a police officer as and when required;
- (ii) 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) the applicant shall not influence the witnesses during pendency of the trial.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi