IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4513 of 2024

BETWEEN:-

PRAHLAD SAHU S/O JAGANNATH SAHU, AGED ABOUT 30 YEARS, OCCUPATION: SHOP KEKEPAR R/O WARD NO 7 SAHPURA P.S. AND TEHSIL SHAHPURA DISTRICT DINDORI (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SANJAY SHARMA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MAHARAJPUR DISTRICT MANDLA (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI S.P. CHADAR - GOVERNMENT ADVOCATE)

This application coming on for admission this day, the court passed the following:

ORDER

This is ***first*** application filed by the applicant under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail relating to FIR No.616/2023 registered at Police Station-Maharajpur, District-Mandla (M.P.) for the offence under Section 306/34 of the IPC.

2. Learned counsel appearing for the applicant submitted that applicant is innocent and has falsely been implicated in the case. Co-accused namely Harish Sahu and Sunil Sahu have been released on anticipatory bail. Case of present applicant is similar to that of co-accused persons. Applicant has loaned some

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amount to the deceased and he was demanding it back. Deceased had taken loan from many persons. As he was caught in vicious circle of loan and penury, he committed suicide. Applicant did not harass the deceased and no positive act on part of applicant which may have led to commit suicide. In these circumstances, applicant may be released on anticipatory bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of anticipatory bail. He relied on suicide note of the deceased.

4. Heard the counsel for the parties.

5. In suicide note, it has been mentioned that more than three persons has given loan to the deceased. As per counsel for applicant, deceased has taken loan from Bank and many others persons due to which he was depressed. Applicant has demanded his own money back.

6. Considering aforesaid circumstances of the case, anticipatory bail application is ***allowed*** *on condition that he will cooperate in trial and will appear before Court when charge sheet is filed and regularly attend the trial as and when required.*

7. It is directed that in the event of arrest of applicant by the police in the aforesaid crime, applicant shall be released on anticipatory bail on his furnishing a personal bond in the sum of ***Rs.50,000/- (Rupees Fifty Thousand only)*** with one surety in the like amount to the satisfaction of the Arresting officer (Investigating Officer) for his regular appearance before the Police during the investigation or before the Court during trial.

8. The applicant is directed to join the investigation immediately and co-operate with the investigating agency. He will further abide by the condition enumerated in sub-section (2) of Section 438 of the Cr.P.C.

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Certified copy as per rules.

(VISHAL DHAGAT)
JUDGE

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