

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.1806 of 2015

1. Ramaiyya Chouhan, aged about 32 years, S/o Radheshyam Chouhan,
2. Lakhan Chouhan, aged about 20 years, S/o Radheshyam Chouhan,

Both R/o Aaramachine, Kashinagar, Ward No.20, PO Korba, PS Rampur,
Kotwali, Korba, Revenue and Civil District Korba (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through PS Kotwali, Korba (C.G.)

---- Non-applicant

For Applicants:	Mr. Prashant Jayaswal, Senior Advocate with Mr. Ashutosh Shukla, Advocate.
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For Non-applicant:	Mr. Anant Bajpai, Panel Lawyer.
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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/07/2015

1. Heard.
2. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.114/2015 registered at Police Station Kotwali, Korba for the offence punishable under Sections 306 and 323 read with Section 34 of the IPC.
3. Case of the prosecution, in brief, is that the applicants and one co-accused Deepak Chouhan were alleged to have instigated / abetted deceased Kanta Chouhan to commit suicide on 6-3-2015 and thereby the deceased committed suicide by hanging.
4. Learned Senior Advocate for the applicants would submit that the applicants have not committed any offence and have been falsely implicated in the crime, there is no evidence to connect the applicants with the crime in

question. In fact, father of the deceased had slapped the deceased on the day of occurrence and by which the deceased felt insulted and committed suicide, as such, charge-sheet has been filed and no custodial interrogation of the applicants is required and therefore, they be released on bail.

5. On the other hand, learned State counsel would submit that on 6-3-2015, the day of Holi festival, on account of some dispute took place in the morning, the present applicants and one co-accused Deepak Chouhan at 2.30 p.m., entered into the house of deceased Kanta Chouhan and assaulted him by hands and fists without any rhyme or reason by which the deceased deeply felt insulted and humiliated, and immediately thereafter, at 3.30 – 4.00 p.m., committed suicide by hanging, as such, in view of the statements of Jagbandhu Chouhan, Mohanlal Dhruw, Prabhat Kumar @ Bholu and Kum. Bhuneshwari Chouhan, the applicants are not entitled to be released on bail.
6. Taking into consideration the nature and gravity of offence, short interval between the assault made by the applicants and co-accused at 2.30 p.m., and the suicide committed by the deceased at about 3.30 – 4.00 p.m. and thereby taking into account the proximity and nexus between the conduct and behaviour of the accused persons with the suicide committed by deceased Kanta Chouhan, and in view of the statements of Jagbandhu Chouhan, Mohanlal Dhruw, Prabhat Kumar @ Bholu and Kum. Bhuneshwari Chouhan – prosecution witnesses, I do not consider it a fit case for grant of bail to the applicants. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge