

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 587 of 2015

1. Manoj Agrawal S/o Shri Nand Kishore Agrawal Aged About 39 years R/o Village Baramkela, District Raigarh Chhattisgarh.
2. Mukesh Agrawal S/o Shri Nand Kishore Agrawal, Aged About 36 Years R/o Village Baramkela, District Raigarh Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali Raigarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicants	:	Shri N.S. Dhurandhar and Shri Vivek Singhal, Advocates
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer
For Objector	:	Shri Sanjay Agrawal, Advocate.

Order On Board

24/07/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.482 of 2015, registered in Police Station- City Kotwali, Raigarh, for alleged commission of offence under Section 306/34 of the IPC.

Case of the prosecution, in brief, is that one Daniram Agrawal, a businessman, committed suicide.

Learned counsel for the applicants submits that in the month of June, 2013 on applicants' complaint paddy of deceased was seized. It is also alleged that at that time, applicants had assaulted him and broken his leg. Thereafter, Daniram Agrawal instituted a complaint against the applicants. On the aforesaid allegation, applicants are alleged to have abetted commission of suicide.

On the other hand, learned counsel for the State and counsel for the Objector submit that even if the entire allegations are taken on its face value, no case of commission of offence, as defined under Section 107 of the IPC, is made out. He submits that the incident alleged had taken place in the month of June, 2013, whereas Daniram committed suicide in the month of June, 2015.

Taking into consideration the submission made by learned counsel for the parties,

particularly taking into consideration that the allegation against the applicants is that they were instrumental in getting paddy of deceased seized in the year 2013 and that the son of the deceased has stated in his statement under Section 161 Cr.P.C. that his father was suffering from mental disease and further taking into consideration that there is no specific overt act alleged by the applicants after the incident of 2013, I am inclined to allow the application.

The application is accordingly allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicants shall make themselves available for interrogation by the police officer as and when required;
- (ii) the applicants 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;

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

Judge