

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3627 of 2015

Budhwar Das, aged about 48 years, S/o Butudas, R/o Village Padniya, P.S. Korba, Tahsil and District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. City Kotwali, Korba, District Korba (C.G.)

---- Non-applicant

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| For Applicant:     | Mr. Raghavendra Pradhan, Advocate. |
| For Non-applicant: | Mr. S.R.J. Jaiswal, Panel Lawyer.  |

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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.159/2015 (Criminal Case No.1110/2015 pending in the Court of Chief Judicial Magistrate, Korba), registered at Police Station City Kotwali, Korba, for the offence punishable under Section 306 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and other co-accused abetted the commission of suicide by Dev Singh on 1-4-2015.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, as he has lodged FIR against deceased Dev Singh for having abused and threatened him to kill, on 1-4-2015. Charge-sheet has been filed and the applicant is in jail since 3-4-2015.
4. On the other hand, learned State counsel opposes the application and submits that the present applicant and other co-accused lodged false case

against the deceased and demanded Rs.5,000/- to withdraw this case, and out of frustration and humiliation, the deceased has committed suicide, therefore, the applicant is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, lodgment of first information report first time by the present applicant against the deceased, taking note of extent of proximity and nexus between conduct and behaviour of the present applicant with the suicide committed by the deceased, pre-trial detention of the applicant and the fact that charge-sheet has already been filed, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-  
(Sanjay K. Agrawal)  
Judge