

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6829 of 2015

1. Dharamdas @ Chilaki S/o Dashamu Aged About 50 Years Residing At Village Kolawal Dogarigudapara P. S. Karpawand District Bastar (Chhattisgarh).
2. Pande @ Pandeshwar S/o Dharamdas Aged About 22 Years Residing At Village Kolawal Dogarigudapara P. S. Karpawand District Bastar (Chhattisgarh).
3. Kamal Singh S/o Dharamdas Aged About 19 Years Residing At Village Kolawal Dogarigudapara P. S. Karpawand District Bastar (Chhattisgarh).
4. Smt. Budhwari @ Bedibai W/o Dharamdas Aged About 45 Years Residing At Village Kolawal Dogarigudapara P. S. Karpawand District Bastar (Chhattisgarh). **... Petitioners**

Versus

State of Chhattisgarh through The Police Station Karpawand, District Bastar (Chhattisgarh) **... Respondents**

For the applicant	:	Mr. Pravin Tulsyan, Advocate.
For the Respondent	:	Mr. Anil S. Pandey, Govt. Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicants in connection with Crime No. 80 of 2015 registered at Police station Karpawand, Distt. Bastar (C.G) for the offences punishable under sections 306/34 IPC.
2. As per the prosecution case, deceased Semlal committed suicide in the intervening night of 20th & 21st August, 2015 and it is stated that the deceased was in love with Deebati, daughter of A-1 Dharamdas @ Chilaki and A-4 Budhwari @ Bedibai. At one point of time, Deebati eloped with the deceased and the applicants being father and mother took back her and kept their daughter with them. Thereafter, the deceased came to the house of parents and wanted to take the daughter with him which was objected by the parents, on which a quarrel/scuffle took place. Subsequently, the deceased

returned to his home and committed suicide. It is alleged that because of the beating caused by the applicants, the deceased committed suicide and the abetment was caused by the circumstances.

3. Learned counsel for the applicants submits that the deceased wanted to take away the daughter of applicants 1 & 4 which was objected by them and it is stated that the deceased should first perform marriage before taking the girl with him. He further submits that the circumstances would not lead to demonstrate that the applicants have abetted the deceased to commit suicide.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. The charge sheet in this case has been filed which also contains the dying declaration. Taking into the averments of dying declaration, without any observation on merits of the case for the purpose of bail, I am inclined to release the applicants on bail.
6. Accordingly, this bail petition is allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court. They shall appear before the trial Court as and when directed by the said Court.
7. Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE