

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7144 of 2015

Ghisal, S/o Bhukhad, Aged About 48 Years, Caste Satnami, Occupation Agriculture Laborer, R/o Village Bharari, P.S. Masturi, Police Chauky Pachpedi, Civil And Revenue District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate Janjgir, Through Police Station Mulmula, District Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Sumit Singh, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.169/2015, registered at Police Station– Mulmula, District Janjgir-Champa (C.G.) for the offence punishable under Section 306, 34 of IPC and Section 4 of Riniyo Se Sanrakchan Adhiniyam. The earlier bail application was dismissed as withdrawn on 02.11.2015 with liberty to repeat after filing of the charge sheet.
2. As per the prosecution case, in brief, the deceased Naval Singh has borrowed Rs.30,000/- from the applicant and thereafter when the money was demanded back, an altercation took place. Subsequently, one agreement was entered that the land of the deceased would be mortgaged, thereafter, the deceased committed suicide.

3. Learned counsel for the applicant submits that there is no abetment can be attributed to this applicant, as it is a clear out and out case of borrowing of the amount which normally goes on in the village and if making demand, the deceased has committed suicide, it cannot be stated to be abetment. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 29.09.2015; therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the charge sheet, documents and statements. Certainly, it appears that there has been some monetary transaction in between the deceased and applicant, as the applicant has given money to the deceased. Taking into the evidence and the statements and further taking into fact that the charge sheet has been filed and the applicant is in jail since 29.09.2015, without any observation on merit, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

