

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No.5029 of 2015

1. Dhaniram Bariha S/o Shri Padaumlal, aged about 55 years, R/o village-Mekra, P.S. & Tahsil-Baramkela, Distt.Raigarh
2. Chaitram Bariha S/o Shri Khageshwar, aged about 45 years, R/o Village-Mekra, P.S. & Tahsil-Baramkela, Distt.Raigarh, Civil and Revenue District Raigarh (CG)

---Applicants

Versus

State of Chhattisgarh through Police Station-Baramkela, District-Raigarh (CG)

---Non-applicant

For Applicants	:	Mr. M.K.Sinha, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/09/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.95/2015, registered at Police Station-Baramkela, District- Raigarh (C.G.), for the offence punishable under Section 306/34 of the IPC.
2. Case of the prosecution, in brief, is that on account of abetment/instigation extended by the present applicant, on 31.7.2015 at about 9 a.m. Omchand Patel has committed suicide by hanging.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely implicated in crime in question. He would further submit that there is no instigation/abetment by the present applicants, they are in jail since 19.8.2015 and charge-sheet has already been filed and therefore, they may be enlarged on bail.
4. On the other hand, learned State counsel would oppose the bail

application and submit that the deceased has stolen some property from the field of the applicants and pursuant to which there is some dispute, which was ultimately settled on 31.7.2015 and both the applicants threatened him for dire consequence and on account of such threatening the deceased committed suicide and therefore, they are not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence and considering the extent of nexus and proximity between the conduct and behaviour of the accused persons with suicide committed by deceased Omchand Patel, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-