

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 176 of 2016

1. Ramprasad, S/o. Shri Mangal Say, aged about 65 years, By Caste-Nageshiya, R/o. Village-Tildenga, Thana & Tahsil – Patthalgaon, Civil and Revenue District – Jashpur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station – Patthalgaon, Civil and Revenue District – Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/01/2016

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 applicant who has been arrested in connection with Crime No.229/2015, registered at Police Station – Patthalgaon, District – Jashpur (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on intervening night of 27-28.09.2015, the deceased Mangal Singh was coming back after watching a drama at village-Charkhapara and while was returning he was intercepted by the applicant and he was locked in the room of the school, thereafter, the applicant committed suicide by hanging.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the incident happened in the intervening night of 27-28.09.2015 and the written report was made on 03.11.2015 on which the FIR was registered on 10.12.2015. He would further submit that no evidence is

available against the applicant and neither the applicant has abetted the deceased for commission of suicide and only on the basis of belated FIR, the applicant has been inculpated. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 17.12.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into facts and circumstances of the case, the degree of allegation levelled against the applicant, delay in lodging the FIR, and the fact that the applicant is in jail since 17.12.2015 and further taking into the fact that charge-sheet in this case has been filed, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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