

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.432 of 2016**

1. Atmaram Nagesh, S/o Vishwanath Nagesh, aged about 45 years,
2. Dayaram Nagesh, S/o Devi Singh Nagesh, aged about 55 years,
Both R/o – Village- Dabnai, Post Office & Police Station –
Deobhog, District Gariyaband (CG)

---Applicants**Versus**

State of Chhattisgarh through the Station House Officer, Police
Station Deobhog, District- Gariyaband (CG)

---Non-applicant

For Applicants	:	Mr. Shivendu Pandya, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/02/2016**

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 applicants who have been arrested in connection with Crime No.90/2015, registered at Police Station-Deobhog, District-Gariyaband (CG), for the offence punishable under Section 306/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicants and co-accused persons instigated deceased Maghnath to commit suicide by which he committed suicide in the intervening night of 3/4.6.2014.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that the

deceased himself has sold the land owned by the applicants and as such, there is no evidence against the present applicants. They are in jail since 11.10.2015 and charge-sheet has already been filed and therefore, they may be released on bail

4. On the other hand, learned counsel for the State would oppose the bail application.

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

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; evidence available against applicant No.2-**Dayaram Nagesh**, I am not inclined to release applicant No.2-**Dayaram Nagesh** on regular bail. Accordingly, bail application filed on behalf of applicant No.2-**Dayaram Nagesh** is rejected. However, taking into consideration the nature & gravity of the offence and nexus & proximity between conduct & behaviour of applicant No.1-**Atmaram Nagesh** and suicide committed by deceased Meghnath, I am of the opinion that present is a fit case, in which, applicant No.1-**Atmaram Nagesh** should be enlarged on regular bail.

7. Accordingly, the bail application filed on behalf of applicant No.1-**Atmaram Navesh** is allowed.

8. It is directed that applicant No.1-**Atmaram Nagesh** 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/-

(Sanjay K. Agrawal)
JUDGE

B/-