

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4387 of 2016

- Kamlakar Patil S/O Suraji Patil Aged About 60 Years R/O Dindayal Colony, Khamaria, Tahsil & District Durg, Chhattisgarh.

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through Police Station Durg, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Arun Kochar, Advocate
For Respondent/State : Smt Shobha Kashyap, GA

Hon'ble Shri Justice Goutam Bhaduri
Order on Board

09.08.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.863 of 2004, registered at PS Durg, district Durg (CG) for the offence punishable under Section 306 of the IPC.
- 2) Case of the prosecution, in brief, is that, one Premlal committed suicide. It is alleged that the present applicant used to finance Premlal in gambling, when the deceased lost money, the applicant harassed and abetted him to commit suicide, thereby the aforesaid offence was committed.
- 3) Learned counsel for the applicant submits that initially the applicant was granted anticipatory bail on 26.11.2004. Subsequently, after filing of charge-sheet, no notice was served to the applicant, therefore, he could not present himself and was arrested on 27.06.2016. He would further submit that no further investigation is necessary in this case and he may be enlarged on bail.

- 4) Per contra, learned State Counsel opposes the prayer for grant of regular bail to the applicant, however, does not dispute the fact that the applicant has been enlarged on anticipatory bail.
- 5) Heard learned counsel for the parties and perused the record.
- 6) Having regard to the facts and circumstances of the case; the fact that the applicant has been released on anticipatory bail on 26.11.2004 vide M.Cr.C.No.2534 of 2004 by this Court; taking into consideration that charge-sheet has been filed; and he is in jail since 27.06.2016, I am inclined to release the applicant on bail.
- 7) Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.
- 8) Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
JUDGE