

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1107 of 2016**

Ajay @ Mahesh Bhandekar, S/o Lt. Shri Lakan Lal Bhandekar, Aged about 35 years, R/o Kamasipara Jhabak Bada, P.S. Gol Bazar, District Raipur (C.G.), present address – Chotapara, Near Electricity Board office, W.R.S. Colony, P.S. Khamtarai, District Raipur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh: Through : Police Station – Khamtaria, Distt. Raipur (C.G.)

-----Non-applicant

For Applicant: Mr. Arvind Singh, Advocate.
For Non-applicant/State: Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 341/2015 registered at Police Station –Khamtarai, Distt. Raipur (C.G.) for the offences punishable under Section 306 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on account of instigation/abetment extended by the applicant, deceased committed suicide on 11.09.2015 and thereby committed the aforesaid offences.

(3) Counsel for the applicant would submit that the applicant has been falsely implicated in the offence in question as he has

not committed any offence, deceased has committed suicide without any reason and basic ingredients of Section 306 of IPC is missing in present case. He would further submit that applicant is in detention since 16.09.2015 and the charge-sheet has already been filed and therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard counsel for the parties and perused the case diary.

(6) Taking into consideration the facts and circumstances of the case, role of the applicant in the offence in question, further considering extent of proximity and nexus between the conduct and behaviour of accused with suicide committed by the deceased; further considering the fact that applicant is languishing in jail since 16.09.2015 and the charge-sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

