

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.439 of 2016

1. Kirti Kumar Verma, S/o Kheduram Verma, age about 19 years
2. Rajendra Kumar Yadav, S/o Baldau Yadav, aged about 19 years

Above both the applicants are R/o Village Korasi, Police Station Kharora, District Raipur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through its Police Station Kharora, District Raipur, Civil Revenue District Raipur (C.G.)

---- Non-applicant

For Applicants:	Mr. Ravi Maheshwari, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/02/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.257/2015, registered at Police Station Kharora, Distt. Raipur, for the offence punishable under Section 306 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the present applicants on 29-9-2015 assaulted deceased Bhoj Kumar for having some improper relation with a girl and out of frustration, he committed suicide on the same day/following day.
3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case, they are young boys of 19 years' age, charge-sheet has been filed and no useful purpose will be served by keeping them in

jail. The applicants are in jail since 15-10-2015.

4. On the other hand, learned State counsel opposes the application and submits that on account of assault made for having illicit / improper relation with a girl of the village, out of frustration and humiliation, the deceased committed suicide on the same day / following day and there is clear cut evidence brought on record with regard to that, and ingredients of Section 306 of the IPC are available in the case diary.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, the extent of nature and proximity of the offence with the act committed and behaviour of the applicants with the suicide committed by the deceased and the manner in which the applicants have assaulted the deceased, I do not consider it a fit case for grant of bail to the applicants. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge