

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.724 of 2016

Shankar Lal Baghel, aged 20 years, S/o Kanhaiya @ Kanya Baghel, R/o Tilda, Ward No.22, P.S. Nevra, Civil & Rev. Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through PS Nevra, Civil & Rev. Distt. Raipur (C.G.)

---- Non-applicant

For Applicant: Mr. Devershi Thakur, Advocate.

For Non-applicant: Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

29/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.361/2015, registered at Police Station Nevra, Distt. Raipur, for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution, in brief, is that on 14-11-2015, Kum. Rama Tiwari committed suicide on account of instigation extended by the present applicant.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. There is delay of seven days in lodging the FIR and there is no instigation or abetment extended by the applicant taking the prosecution case on its face value. The applicant is in jail since 21-11-2015. Charge-sheet has been filed.
4. On the other hand, learned State counsel opposes the prayer for bail

made on behalf of the applicant.

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, age of the deceased who was only 16 years on the date of alleged incident and further taking into account the proximity and nexus between the conduct and behaviour of the accused/applicant with the suicide committed by the deceased, I do not consider it a fit case to enlarge the applicant on regular bail. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge