

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7685 of 2015

Sumeet Kumar Pal @ Raja, S/o. Shri K. Premnath Pal, Aged About 35 Years, Occupation Service as Deputy Manager at R.R.Energy Gadhumaria, R/o. Dammani Colony, Gobra Navapara, Raipur, Chhattisgarh. At Present R/o. Green City, Chidipal Colony, House No. 68, Boirdadar, P.S. Chakradhar Nagar, Tahsil Raigarh, Civil & Rev. Distt. Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer of the Chowki Jutemill & P.S. Kotwali, Distt. Raigarh, Chhattisgarh

---- Respondent

AND

MCRC No. 7686 of 2015

1. Satyasharan Sharma @ Babbu Maharaj, S/o. Late Dwarika Prasad Sharma, Aged About 39 Years, Occupation- Service At R.R. Energy Gadhumaria, R/o. Village- Dhurkot, P.S. Janjgir, District Champa- Janjgir, Chhattisgarh. At Present R/o. - Bawli Kuva, Baikunthpur, P.S. Kotwali, Tahsil- Raigarh, Civil & Revenue Distt.- Raigarh, Chhattisgarh
2. Gulabchand Singh Mahto @ Pintu, S/o. Umashankar Mahto, Aged About 28 Years, Occupation- Service at R.R. Energy Gadhumaria, R/o. Badkachand, Koilbar, Bhojpur Aara, Bihar. At Present R/o. R.R. Energy Guardroom, Gadhumaria, P.S. Kotwali, Tahsil, Civil & Revenue District Raigarh, Chhattisgarh

---- Petitioners

Versus

State Of Chhattisgarh, Through- Station House Officer of the Chowki Jutemill & P.S. Kotwali, Distt. Raigarh, Chhattisgarh

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18.01.2016

1. Both the bail application is arising out of the same incident and similar facts are involved, therefore, they are being tried and decided together by this common order.

2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who has been arrested in connection with Crime No.839/2015, registered at Police Chowki- Jutemill, P.S. Kotwali, District Raigarh (C.G.) for the offence punishable under Sections 306, 342, 347, 330, 176, 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 25.10.2015 one Shubham Dviwedi committed suicide by hanging in the Guardroom and the applicant Sumit Kumar Pal was working as Deputy Manager, H.R., in such factory, which is named as R.R.Energy and the applicant Satyasharan Sharma & Gulabchand Singh Mahto were also the employee of the company. According to the case diary, the allegation is that the deceased Shubham Dviwedi on 23.10.2015 committed theft of Rs.50,000/- from the ADM office of the company for which Subham the deceased was interrogated and subsequently he was locked. The case diary also reveals that thereafter recovery of Rs.50,000/- was made from Shubham and for that reason the applicants have tortured and kept him locked in the Guardroom; thereby, the offence has been committed.
4. Learned counsel for the applicants submits that the deceased Shubham Dviwedi @ Bhupendra Tiwari was working as Guard in R.R.Energy, Gadhumaria, wherein Rs.50,000/- was stolen and on interrogation the deceased admitted the fact that he has stolen Rs.50,000/- and thereafter while the applicants tried to get instructions from the higher officer and when the deceased was made to sit in the Guardroom, he committed suicide in the Bathroom of the Guardroom. He further submits that the charge sheet in this case has been filed and no further evidence is required

and the applicants are in jail since 27.10.2015; therefore, they may be enlarged on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Having regard to the facts and circumstances of the case and after going through the statement of Jitendra Mishra, Devdhar Pratap Tiwari, Sandeep Dixit and Dashrath Pratap Mishra, without any observation on merit, taking into fact that the charge sheet has been filed and the applicants are in jail since 27.10.2015, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge