

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2961 of 2016

1. Heeraman, S/o. Late Dahru Ram Sahu, Aged About 26 Years.
2. Yogesh, S/o. Late Dahru Ram Sahu, Aged About 25 Years.

Both are by Caste-Sahu, R/o. Village Gadadih, Police Station & Post Kurud, Tahsil Kurud, Civil & Revenue District Dhamtari, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through: Police Station Kurud, District Dhamtari, Chhattisgarh

---- Respondent

For Applicants : Mr. Kunal Das, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.06.2016

1. 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 have been arrested in connection with Crime No.24/2016, registered at Police Station- Kurud, District Dhamtari (C.G.) for the offence punishable under Section 306/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Dahru Ram committed suicide by hanging on 16.11.2015 and it is alleged that the applicants used to torture and abetted him to commit suicide, as he was being beaten periodically by the applicants who are sons of the deceased. During the course of investigation, a suicide note was recovered and thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicants have not committed any offence and neither they have abetted for

the commission of crime nor have instigated the deceased and general dispute arose in between the deceased and the applicants.

It is further submitted that the charge sheet in this case has been filed and authentication of the suicidal note is not established, therefore, the applicants may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. After perusal of the case diary and considering the fact that authentication of the suicidal note is still to be established and the fact that the charge sheet has been filed, without any observation on merit, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge