

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4924 of 2016

Premalal Yadav, S/o. Heeralal Yadav, Aged About 41 Years, R/o. Village Manpur, Police Station Patewa, Tahsil & District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station Police Station Patewa, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikram Dixit, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.77/2016 registered at Police Station- Patewa, Distt. Mahasamund (C.G.) for the offence punishable under Section 306 read-with Section 34 of Indian Penal Code.
2. As per the prosecution case, on 21.10.2015 deceased Ugeshwar Sahu had committed suicide by consuming poison. Further, a letter was seized on 26.10.2015 where certain allegations have been leveled against the applicant and other co-accused persons and on the basis of the said letter, FIR was lodged on 05.05.2016 and the applicant was arrested on 27.05.2016 on the ground that he has abetted the commission of offence.
3. Learned counsel appearing for the applicant would submit that in the suicidal note, it has been categorically stated that the deceased

has taken money from different persons in the market and he named those persons and also admitted the fact that he has to return the money to them and since he has not returned the money, therefore, he has committed suicide. He would further submit that under these circumstances, no allegation of abetment can be attributed to the present applicant, the applicant has been falsely implicated in this case, charge sheet has been filed and he is in jail since 26.07.2016; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and the letter which was seized. Considering the facts & circumstances of the case, nature of allegation leveled against the applicant and the letter which was seized and further considering the fact that the charge sheet has been filed and the applicant is in jail since 26.07.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge