

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5960 of 2016

1. Shyama Bai W/O Late Shivprasad Singh Aged About 50 Years Occupation - Adhok Peon At State Bank Of India R/O Gadelpara - Baikunthpur : District - Korea Chhattisgarh
2. Usha Singh D/O Late Shivprasad Singh Aged About 29 Years Occupation - House Wife R/O Gadelpara - Baikunthpur : District - Korea Chhattisgarh
3. Nirala Singh W/O Prem Singh Aged About 26 Years Occupation - House Wife R/O Gadelpara - Baikunthpur : District - Korea Chhattisgarh
4. Kamalbhan Singh S/O Late Shivprasad Singh Aged About 24 Years Occupation - Labour R/O Gadelpara - Baikunthpur : District - Korea Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through : Thana Incharge, Police Station - Baikunthpur, District - Korea Chhattisgarh

---- Respondent

For Applicants : Mr. Sumit Jhanwar, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-10-2016

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 on 21-08-2016 in connection with Crime No. 176 of 2016, registered at Police Station Baikunthpur, District Korea (CG) for the offence punishable under Section 306/34 of the IPC.
2. Case of the prosecution, in brief, is that one Ajit Singh committed suicide by hanging as also took medicine and had cut his arteries of wrist on 25-6-2016 for the reasons that the applicant and his wife and other persons namely Nirala Singh, Shyama Bai and her sisters and brothers have caused abetment and tortured the deceased for which he committed suicide and the same fact was revealed when the suicidal note was

recovered after the death of the deceased and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated, the applicants are in jail since 21-8-2016 and no further investigation is required. He would further submit that the case of the present applicants is similar to that of other co-accused person namely Prabhakar Singh who has been granted bail vide order dated 27-09-2016 passed by this Court in M.Cr.C.No. 5764 of 2016 therefore, the applicants may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicants is similar to the case of co-accused who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that the applicants are in jail since 21-8-2016 and also the fact that similarly placed other co-accused has been granted bail, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

