

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7209 of 2016

- Subham @ Golu Dwivedi S/o Avdhesh Prasad Dwivedi Aged About 19 Years R/o Kargi Road Kota, Tahsil & Police Station Kota, District Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Kota, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sushil Dubey, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

MCRC No. 6999 of 2016

1. Rupwant Singh Thakur S/o Late Sheelwant Singh Thakur, Aged About 43 Years R/o Kargi Road Kota, Police Station - Kota Tahsil - Kota, District Bilaspur Chhattisgarh
2. Santosh Shriwas S/o Itwari Shriwas, Aged About 51 Years R/o Kargi Road Kota, Police Station - Kota, Tahsil - Kota, District Bilaspur Chhattisgarh --- **Applicants**

Versus

- State of Chhattisgarh Through The Station House Officer Police Station - Kota, District Bilaspur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Gautam Khetrapal, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.11.2016

1. These are two bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 171/2016 registered at P.S. Kota, Distt. Bilaspur (C.G) for the offence

punishable under Sections 306/34 IPC. Since both these bail applications are relating to the same crime number, they are being decided by this common order.

2. As per the prosecution case, one Ansuiya Bai committed suicide on 03.08.2016 by consuming poison. The background of this case is that she was subjected to rape by one Dabbu Thakur on 16.06.2016. Thereafter his brother Roopvant Thakur went to the victim and pressurized her to take back the report and other accused namely Subham @ Golu Dwivedi and Santosh also joined to pressurize the deceased to take back the report. Consequently she committed suicide and the suicidal note was recovered wherein the allegations have been attributed against all the 3 applicants thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and there is no evidence to the effect that the hand writing contained in the said suicidal note is the handwriting of the deceased Anasuiya itself as the prosecution has failed to produce any document of hand writing of deceased Anasuiya Bai. It is further submitted that only bald allegations have been attributed. When the FIR was lodged on 04.08.2016 after four days i.e., 08.08.2016 such suicidal note was handed over and it is unexplained as to when and who has written such suicidal note. It is further submitted that the charge sheet in this case has been filed and the applicants are in jail since 04.08.2016, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary, charge sheet and also the statement of Rakesh Soni, son of deceased Anasuiya. On perusal of the

statement of Rakesh Sahu and the suicidal note which is said to have been written by deceased Anasuiya wherein direct allegations have been attributed against all the 3 accused, it points out that the applicants have tried to pressurize the deceased to change her evidence which certainly falls within the ambit of tampering of evidence and the same continuity cannot be ruled out in the instant case. Consequently, I am not inclined to release the applicants on bail and both the bail applications are rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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