

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 5641 of 2017**

Ashok Agrawal S/o Shri Kishan Agrawal, Aged About 58 Years  
 President Deep Education Society, Kharsia, R/o Chandan Tal Road,  
 Ward No.15, Near Dr. R.C.Agrawals Clinic Kharsia Police Station  
 Kharsia District Raigarh, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station  
 Kharsia, District Raigarh, Chhattisgarh.

**---- Respondent**


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|--------------------------|---|--------------------------------|
| For the Applicant        | : | Shri Manoj Paranjpe, Advocate. |
| For the Respondent/State | : | Shri O.P. Sahu, G.A.           |
| For the Objector         | : | Shri B.L. Yadav, Advocate.     |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****23.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.345 of 2017, registered at Police Station – Kharsia, District – Raigarh, Chhattisgarh for the offence punishable under Sections 306 and 201 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.8.2017 and he has been falsely implicated in this case. The applicant is the President of Registered Society known as Deep Shikshan Samiti Kharsia which is running a school, namely, Kamla Nehru Public Higher Secondary School. The applicant is also functioning as Director of the school. As alleged deceased – Preeti Yadav was studying in Class 10<sup>th</sup>

who committed suicide by jumping from the roof of the school building. The applicant had simply asked her to deposit the readmission fees and has done nothing with the deceased which could be said to be abetment to commit suicide. The trial of the case is likely to take some time for its final disposal and the applicant is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the statements under Section 164 of the Cr.P.C. given by Harita Yadav and Shruti Yadav clearly show that on the date of incident the applicant reprimanded the deceased on account of non-payment of readmission fees which has resulted in committing of suicide of the deceased. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case are simply that the deceased had been a student of Class 10<sup>th</sup> in Kamla Nehru Public Higher Secondary School, Kharsia. It is not disputed that she had not deposited the readmission fee and the applicant asked her to deposit the same on the date of incident. As per the allegation, the deceased was ill-treated with some harsh words as the fee was not paid within the time given. Thereafter, the incident took place and it is alleged that the deceased jumped from the roof of the school building and died consequent to the injuries suffered by her.

6. Considering the submissions made and the contents of the case diary and taking into consideration that the applicant is working as Director and In-charge of the school and he is responsible for the collection of the fees, I am of the opinion that the present is a fit case where the applicant is entitled to be released on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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/-**

**(Rajendra Chandra Singh Samant)**  
Judge