

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7036 of 2017

1. Subhash Sad & Anr. S/o Sonu Sad, Aged About 50 Years By Caste Rawat, R/o Village- Padkikala, Police Station And Tahsil Saraipali, District Mahasamund, Chhattisgarh.
2. Pankaj Sad, S/o Subhash Sad, Aged About 22 Years By Caste Rawat, R/o Village Padkikala, Police Station And Tahsil Saraipali, District Mahasamund, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund, Chhattisgarh.

---- Respondent

Shri Yogeshwar Sharma, counsel for the applicant/s.
Shri Avinash Singh, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/12/2017

Heard.

The applicants have been arrested in connection with Crime No.76/2017 registered at Police Station – Saraipali, District – Mahasamund CG) for alleged commission of offences under Section 306/34 of IPC.

2. Case of the prosecution is that the applicants doubted the character of the prosecutrix which led her to commit suicide.

3. Learned counsel for the applicant submits that in the absence of there being any essential ingredients of abetment as defined under Section 107 IPC, mere doubting her character would not be sufficient to constitute abetment. It is submitted that investigation is complete, charge sheet has been filed and the applicant is in jail since 04/09/2017. Therefore, they may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits

that the main operative reason for the prosecutrix to commit suicide was scolding given to her by the applicants that she is of easy virtue. Therefore, it may be a case of abetment.

5. Taking into consideration the submission of learned counsel for the parties, nature of allegations and reasons stated behind the death of the prosecutrix, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. 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/- along with two local sureties for the like amount to the satisfaction of the Trial Court. They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge