

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 415 of 2017

Hiraman Sahu, S/o. Late Shri Santram Sahu, Aged About 37 Years,
Occupation- Agriculturist, R/o. Village- Ghoghara, Post- Ghonch , Police
Station Tendukona, Civil & Revenue District Mahasamund, Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police
Station- Tendukona, Civil & Revenue District- Mahasamund,
Chhattisgarh

--- Respondent

For the Applicant : Mr. Sunil Sahu, Advocate

For the Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.103/2016 registered at Police Station- Tendukona, District Mahasamund (C.G) for the offence punishable under Section 306/34 of Indian Penal Code.
2. As per the prosecution case, in the intervening night of 15th /16th of August, 2016, one Paurush committed suicide by hanging. Thereafter, a suicidal note was recovered from the pocket of deceased wherein the allegations have been leveled against the applicant and other co-accused that they had instigated and abetted the deceased to commit suicide, thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the charge sheet in this case has been filed, no further investigation is necessary and

even the reading of the suicidal note seized by the police would show that the applicant has not abetted the deceased to commit suicide. He further submits that the similarly placed co-accused have been enlarged on bail on 28.11.2016 in MCRC No.7489 of 2016, therefore, the present applicant may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she is not able to dispute the fact that the similarly placed co-accused have been enlarged on bail.
5. Perused the case diary and the documents. Taking into the nature of evidence available and considering the facts and circumstances of the case, especially the fact that the charge sheet has been filed and the other similarly placed co-accused have already been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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