

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2464 of 2017

1. Tikelal S/o Parikshit Patel Aged About 50 Years R/o Village Pargala, Police Station- Basna, District- Mahasamund, Chhattisgarh.
2. Jitendra S/o Tikelal, Aged About 22 Years R/o Village Pargala, Police Station - Basna, District-Mahasamund, Chhattisgarh.
3. Trinath, S/o Nandlal Patel, Aged About 35 Years R/o Village Pargala, Police Station - Basna, District-Mahasamund, Chhattisgarh.
4. Devendra S/o Tikelal, Aged About 27 Years R/o Village Pargala, Police Station - Basna, District-Mahasamund, Chhattisgarh.
5. Bishal @ Heeralal S/o Ramcahandra Patel, Aged About 52 Years R/o Village Pargala, Police Station - Basna, District-Mahasamund, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer Police Station- Basna, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sachin Singh Rajput, Advocate

For Respondent/State : Mr. Vivek Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-06-2017

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 24-1-2017 in connection with Crime No. 35 of 2017, registered at Police Station Basna, District Mahasamund (CG) for the offence punishable under Section 306/34 of the IPC.
2. As per prosecution case, one Nityanand Yadav committed suicide by hanging on 22-1-2017. After his death one suicidal note was recovered wherein it was alleged that present applicants used to torture and also assaulted the deceased and thereby he committed suicide.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case and there is no evidence to show that the applicants have abetted the deceased to commit suicide. It is further submitted that even suicidal note is completely ambiguous and it is not certain that the said suicidal note was of the hand writing of the deceased. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 24-1-2017 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the witnesses Kaushalya Bai, Usat Yadav and Ramesh Kumar and also suicidal note.
7. Taking into consideration the facts and circumstances of the case and further considering the fact that the report of the hand writing expert is not available, without further observation on the merits of the case, I am inclined to release the applicants on bail.
8. 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. They shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju