

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3880 of 2017

1. Vijay Kumar S/o Punaaram Chelak, Aged About 34 Years, R/o Village Charched, Thana- Kasdol, District Baloda Bazaar- Bhatapara, Chhattisgarh.
2. Ganga Prasad S/o Punaaram Chelak, Aged About 40 Years, R/o Village Charched, Thana- Kasdol, District Baloda Bazaar- Bhatapara, Chhattisgarh.
3. Mohit Kumar S/o Chaitram Ghritlahare Aged About 24 Years, R/o Village Charched, Thana- Kasdol, District Baloda Bazaar- Bhatapara, Chhattisgarh.
4. Sunil Kumar S/o Srilal Kosley, Aged About 22 Years, R/o Village Charched, Thana- Kasdol, District Baloda Bazaar- Bhatapara, Chhattisgarh.
5. Rajesh Kumar S/o Hetram Kosley, Aged About 24 Years, R/o Village Charched, Thana- Kasdol, District Baloda Bazaar- Bhatapara, Chhattisgarh.
6. Yadram S/o Pardeshi Ram Paatile, Aged About 27 Years, R/o Village Charched, Thana- Kasdol, District Baloda Bazaar- Bhatapara, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Thana- Kasdol, District Baloda Bazaar- Bhatapara, Chhattisgarh.

----Non-applicants

For Applicants – Shri Anish Tiwari, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

01-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.171/2017 on 01-05-2017 by Police Station Kasdol, District Baloda Bazaar-Bhatapara, C.G. for the offence under Section 306, 294, 506/34 of the IPC. After investigation police had filed the charge sheet before the JMFC Kasdol, District Baloda Bazaar-Bhatapara C.G. as Criminal Case No.183/17. The matter is committed for trial to the Court of Sessions, but learned counsel for the applicants is not aware of the sessions trial number. It is submitted on behalf of the applicants that as per the

allegation, deceased Lomesh was in love affair with daughter of applicant No.1 and on 26-11-2016 all the applicants gathered in front of the house of the deceased. The deceased was not available at that time, the applicants abused, gave threat for the deceased and also asked father of the deceased Aajuram to make understand the deceased as he gave mobile to the daughter of applicant No.1 Vijay Kumar and he is also making problem to the said daughter of applicant No.1. Thereafter, the applicants left and father of the deceased attempted to understand the deceased for the said facts. In the intervening night at about 02.00 a.m. the deceased on account of fear committed suicide by hanging himself. Learned counsel for the applicants would further submit that in the entire charge sheet none of the ingredients of Section 107 of the IPC is prima facie attracted. The applicants are in jail since long. They will not commit any offence in future. Trial may take some time. They may be granted bail during trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and would submit that on account of threat, allegation in public especially before father, element of abetment of suicide is prima facie established, hence the instant MCRC may be dismissed.

4. Perused the entire material.

5. As charge sheet has been filed, trial may take some time, all the applicants are in custody since 3 months 1 day till date, looking to the entire background and also the fact that prima facie none of the ingredients of Section 107 of the IPC is surfaced in the charge sheet, without commenting anything on its merit, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any crime and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety of the like sum to the satisfaction of the trial Judge for their appearance before the said Court as and

when directed till trial.

6. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

7. Certified copy as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**