

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4048 of 2017

- Shivkumar Sihna S/o Pardeshi Sinha, Aged About 45 Years, R/o Ward No. 10, Darripara, Nawagarh, Thana Nawagarh, District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Nawagarh, District Bemetara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.79/2017 on 22-04-2017 by P.S. Nawagarh, District Bemetara, C.G. for the offence under Section 306/34 of the IPC. After investigation police had filed the charge sheet which is pending before the JMFC Bemetara, C.G. as Criminal Case No.643/17 for committal. Learned counsel for the applicant would further submit that the charge sheet has been filed against three accused persons namely Rekha Sinha, Santoshi Bai Sinha and the present applicant; both the co-accused have been granted bail by the Sessions Judge Bemetara. The applicant is cousin brother of Netu Sinha who committed suicide by hanging himself. As per the facts surfaced, the applicant used to comment and allege that it is the deceased who complained before the concerned authorities regarding the marriage of Koushalya, minor daughter of Shivkumar and on account of said complaint the concerned officer of the State reached to the spot and they stopped the marriage as the said Koushalya is minor. In response, the deceased said that he had not made any complaint for the said fact and as the applicant used to pass remarks and allegations for the same, Netu Sinha committed suicide by

hanging himself. Looking to the material collected provisions of Section 107 of the IPC is not attracted; the applicant is not abetted the suicide in any manner as under Section 107 of the IPC. Trial may take some time. He is in custody since long. He may be granted bail.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that on account of allegation that it is the deceased who complained regarding the marriage of Koushalya who was minor as alleged and other family dispute Netu Sinha committed suicide, it goes to show that it is the applicant who abetted the said suicide, hence, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in custody for about three months till date, charge sheet has been filed, trial may take some time, prima facie, after consideration of the entire evidence collected against the applicant, it appears that ingredients of Section 107 of the IPC is not attracted. On due consideration, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety of the like sum to the satisfaction of the committal Court/trial Court, as the case may be, for his appearance before the said Court as and when directed till trial.

6. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains 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

Aadil