

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4049 of 2017**

- Ravindra Kumar, Son of Sundar Lal, aged about 42 years, caste Kachhi.
- Chandrika, son of Mulchand, aged about 32 years, caste Kachhi.

Both are resident of village Ameratikra, Police Station Marwahi,
Civil and Revenue District Bilaspur (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through: Station House Officer, P.S. Marwahi, District Bilaspur (C.G.).

---- Respondent

For Applicant	: Shri Vinod Tekam, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.7.2017**

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.47/2017 registered in Police Station-Marwahi Dist.- Bilaspur (C.G.) for the offence punishable under Section 306/34 of the IPC.
3. Learned counsel for the applicant submits that the applicant has been arrested on 08.05.2017, after investigation, concerned police has filed charge sheet against the present applicant which is pending as Sessions trial No.18/17 before Additional Sessions

Judge Pendra, Dist.- Bilaspur (C.G.). He would further submit that there is no suicidal note seized from the place of occurrence Bhuwan Singh hanged himself on 15.03.2017. As per statement of the witnesses recorded under Section 161 of the Cr.P.C., eyewitnesses Kushal Singh, Kishan Puri, Rohit Kumar stated in their statement against the applicants on 13.03.2017, in the eve of Holi festival for some reasons the deceased Bhuwan Singh & the applicant Ravindra Kumar after consuming the alcohol beaten each other. On 15.03.2017, the applicant Chandrika reached in front of the house of deceased- Bhuwan Singh threatened and asked him to come out from the house and thereafter in the noon the deceased committed suicide by hanging himself. upon consideration of the entire facts collected against the applicant that present matter does not come under the ambit of Section 107 of IPC. He would also submit that trial is likely to take some time for its conclusion and the applicant will not commit any offence in future, and, therefore, the applicant may be granted bail.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf the applicant and would submit that as Chandrika, applicant No. 2 on occasion of Holi festival reached the house of the deceased- Bhuwan Singh in front of his house raised voice and used obscene words, thus, the abatement is attracted hence he is not entitled to be released on bail.

5. Perused the entire material available on record.

6. As both the applicants are in custody since 08.05.2017 and perusal of the statement recorded during investigation by the

concerned Police and other facts collected, I am inclined to grant one last opportunity to the applicants, so that they shall not commit any similar or other offence in future and shall remain peacefully in the Society.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- each with two separate solvent sureties of Rs. 25,000/- each to the satisfaction of Trial Court for their appearance before the trial Court as and when directed till trial.

9. 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 remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE