

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No.456 of 2017**

- Duvendra S/o Shri Dujram, Aged About 25 Years R/o Azad Nagar, Godripara, Police Station Chirmiri, District Koriya, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Chirmiri, District Koriya, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sudeep Agrawal, Advocate
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.9.2017**

Learned counsel for the applicant would submit that co-accused Vishal Yadav is the juvenile, police has filed supplementary proceedings before the Juvenile Justice Board, Korea, where the said juvenile was granted bail. Other co-accused in the matter are Dina and Dinesh, they have not preferred any petition for their release on bail.

2. Heard the matter finally.

3. This application under Section 438 of Code of Criminal Procedure, 1973 (for short 'the Code') has been filed by the applicant apprehending his arrest in connection with Crime No.111/2017 registered at Police Station Chirmiri (CG) for offence punishable under Section 306/34 of the Indian Penal Code.

4. Learned counsel for the applicant submits that the charge sheet is not yet filed, allegation made by Amit Kashyap and Rajesh Kashyap are fake and the allegations were made after six months of the incident, no suicidal note was recovered from the body of the deceased. As there is no material collected regarding abetment of suicide, the applicant may be enlarged on bail.

5. Learned counsel for the State/respondent would oppose the arguments advanced on behalf of the applicant and would submit that police during investigation recorded the statement of Amit and Rajendra Kashyap who had stated the role of torture by the applicant and other co-accused to the deceased and thereafter the deceased committed suicide. Hence, the instant bail application may be dismissed.

6. Perused the entire material.

7. On consideration of the entire material collected by the prosecution, it appears that the role of the applicant was well stated by Amit and Rajendra Kashyap regarding act to facilitate commission of suicide. Hence, I am not inclined to grant anticipatory bail to the applicant.

8. Consequently, bail application filed under Section 438 of the Code of Criminal Procedure is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE