

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7670 of 2017

Govind Narayan Jha, S/o. Sufulnath Jha, Aged About 29 Years, R/o. 11/12-D, Maitrykunj Rishali, Police Station Devri, District Durg Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station Pulgaon, District Durg Chhattisgarh, Chhattisgarh.

---- Respondent

M.CR.C. No. 7740 of 2017

Dilip Patil, S/o. Late Vishwanath Govind Patil, Aged About 37 Years, R/o. Kailash Nagar Near Ekta Chowk, Lohiya Road, Police Station -Jamul, Tahsil And District -Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Pulgaon, District Durg Chhattisgarh,

---- Respondent

M.CR.C.(A) No. 46 of 2018

Anil Lohani, S/o. Trilochan Lohani, Aged About 45 Years, R/o. 33 Bamleshwari Colony, Near Nar- Narayan Mandir, Borshi Chowki, Padmanabhpur, Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Pulgaon District, Durg, Chhattisgarh. , Chhattisgarh

---- Respondent

For Applicants	: Mr. T.K. Jha, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/02/2018

1. Since the above regular bail applications and anticipatory bail application arise out of the same crime number, they are being heard and disposed of by this common order.
2. The applicant – Anil Lohani in MCRC(A) No.46 of 2018 has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.74/2017 registered at Police Station- Pulgaon, District – Durg (C.G.), for the offence punishable under Sections 306, 34 of the Indian Penal Code.
3. The bail applications of applicant- Govind Narayan Jha in MCRC No.7670 of 2017 and applicant – Dilip Patil in MCRC No.7740 of 2017 are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to them as they have been arrested in connection with Crime No.74/2017, registered at Police-Station Pulgaon, District– Durg (C.G.) for the offence punishable under Sections 306/34 of Indian Penal Code.
4. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated in the crime in question. It is submitted that applicant – Govind Narayan Jha and Dilip Patil had lended money to the deceased and applicant – Anil Lohani had some

dues to be paid to the deceased. The deceased committed suicide leaving diary, which was recovered after two months of his death. There is no investigation regarding handwriting of the diary and there is no report of handwriting expert regarding handwriting found in the said diary. It is further submitted that no case is made out on the basis of the contents of the material in the charge-sheet. Applicants Govind Narayan Jha and Dilip Patil are in jail since 22.06.2017, the applicants are ready to abide by all the conditions, which may be imposed on them while enlarging them on bail, therefore, it is prayed that they may be released on bail. It is also prayed that applicant Anil Lohani be granted anticipatory bail.

5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the report of handwriting expert is awaited, the contents of the diary are suicidal note, which clearly indicate the responsibility of these applicants in commission of the crime, hence, applicants are not entitled for grant of regular bail or anticipatory bail.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. The case of the prosecution in brief is that deceased Tungaj Dev Verma committed suicide on 29.12.2016. Mourners intimation was recorded and inquest was conducted. FIR was lodged on the basis of inquest report. A diary was seized during the investigation, in which it was disclosed that applicant Govind Narayan Jha and Dilip Patil were pressurizing the deceased to pay back the borrowed money and applicant – Anil Lohani had some dues to be paid to the deceased and

by his not paying the same, the deceased was harassed, hence because of these reasons, the deceased was compelled to commit suicide. After investigation, charge-sheet has been filed.

8. Considered the submissions made and the contents of the case diary.

On going through the entire material in the case diary and the nature of allegations against these applicants, without commenting on the nature of the case, I am of this view that applicant- Govind Narayan Jha in MCRC No.7670 of 2017, Applicant – Dilip Patil in MCRC No.7740 of 2017 deserve to be enlarged on regular bail and applicant in MCRC(A) No.46 of 2018 also deserve to be enlarged on anticipatory bail.

9. Accordingly, the anticipatory bail application of applicant in MCRC(A) No.46 of 2018 is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offences, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

10. Likewise, both the regular bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that applicant- Govind Narayan Jha in MCRC No.7670 of 2017 and Applicant -Dilip Patil in MCRC No.7740 of 2017 shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge