

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 878 of 2018

Uttam Kumar Barman S/o Sampat Barman, Aged About 34 Years Caste
Satnami, R/o Dhobanideeh, Police Chowki, Bhatgaon, P.S. Bilaigarh, District
Balodabazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara,
Chhattisgarh **----Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Chowki,
Bhatgaon, P.S. Bilaigarh, District Balodabazar Bhatapara Chhattisgarh,
District : Balodabazar-Bhathapara, Chhattisgarh **---- Respondent**

For Applicant	:	Shri Roop Naik, Advocate
For Respondent/State	:	Shri Satish Gupta, G.A.
For Objector	:	Ms. Supriya Upasne, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/04/2018

Heard.

1. The applicant has been arrested in connection with Crime No.201 of 2017 registered at Police Station- Police Chowki Bhatgaon, P.S. Bilaigarh, District Balodabazar, Bhatapara (CG) for the alleged commission of offence under Section 306/34 of IPC.
2. Case of the prosecution is that the applicant and co-accused assaulted the deceased Dhawajaram whereafter Dhawajaram committed suicide. Therefore, it is alleged that the applicant abated the commission of suicide.
3. Learned counsel for the applicant would submit that even according to the case of the prosecution, the applicant is alleged to have assaulted Dhawajaram because there was an affair between daughter of one of the co-accused Gojo Berman and the son of Dhawajaram. He submits that even if the prosecution story of the applicant and other accused having assaulted Dhawajaram is accepted, there is no material to make out a prima facie case for commission of offence of abatement of suicide. It is submitted that the applicant is in jail since 05.12.2017, investigation is complete and charge-sheet has been filed and there is no material to show that the applicant is

likely to abscond or tamper with the prosecution witnesses, therefore, he may be granted bail.

4. On the other hand, learned State counsel opposes the bail application and submits that Dhawajaram committed suicide because of the allegations and harassment and assault meted out by the present applicant and co-accused, therefore, prima facie case is made out.
5. Learned counsel for the Objector would submit that in fact Dhawajaram has been murdered by the applicant.
6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the background in which incident happened and further taking into consideration that there is no case of commission of offence of murder registered against the applicant and that the investigation is complete, charge-sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, the application is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge