

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4822 of 2018**

Nitin Yadav S/o Shri Kalicharan Yadav Aged About 31 Years R/o Gondpara, Thana City Kotwali, Civil And Revenue District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Civil And Revenue District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 5179 Of 2018**

Amit Nandwani S/o Late Ashok Nandwani Aged About 27 Years R/o Gondpara, Bilaspur Thana City Kotwali District Bilaspur Chhattisgarh Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C No. 5459 of 2018**

Deepak Rajak S/o Shri Prahalad Rajak Aged About 31 Years R/o- Gondpara Near Ashok Rao's House Thana- City Kotwali, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- Station House Officer, Police Station City Kotwali, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Mateen Siddique and Shri Sumit Shrivastava, Advocates.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.08.2018**

Heard.

1. All these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications for grant of regular bail to the applicants who have been arrested in connection with Crime No.132 of 2018, registered at Police Station – City Kotwali, District – Bilaspur, Chhattisgarh for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. Applicant – Nitin Yadav in M.Cr.C. No.4822 of 2018 is in jail since 15.3.2018, applicant – Amit Nandwani in M.Cr.C. No. 5179 of 2018 is in jail since 28.6.2018 and applicant – Deepak Rajak in M.Cr.C. No. 5459 of 2018 is in jail since 6.7.2018. No case of abetment to commit suicide is made out according to the material present in the charge-sheet. After completion of investigation, the charge-sheet has been filed. Hence, for these reasons, the applicants are entitled for grant of bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that because of the brutal act committed by these applicants the deceased was compelled to commit suicide. Hence, it is a clear case of abetment to commit suicide. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case against the applicant is that the purse of applicant – Amit Nandwani in M.Cr.C. No. 5179 of 2018 was stolen on 31.1.2018 from the carom club by deceased – Yogesh @ Raj. After discovering about the theft, the deceased was called and thrashed by all the applicants on 2.2.2018, in the evening of the same day. The deceased feeling depressed committed suicide in the intervening night of 2.2.2018 and 3.2.2018 by hanging himself. Hence, this case.

6. After due consideration on all the material present in the case-diary, I feel inclined to grant regular bail to all the applicants in all the cases.

7. Accordingly, the bail applications filed under Sections 439 and 438 of the Cr.P.C. are allowed.

8. It is directed that the applicants in all the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge