

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5930 of 2018**

1. Sunita Bagh, W/o Shri Rupendra Bagh, aged about 53 years.
2. Rupendra Bagh, S/o Samuel Bagh, aged about 55 years.

Both are resident of House No.171, Sector-2, Kashiram Nagar, Telibandha, P.S. Telibandha, District Raipur.

---- Applicants

Versus

State of Chhattisgarh, through Police Station Vidhan Sabha, Raipur, District Raipur.

---- Non-applicant

For Applicant : Mr. Sanjay Agrawal, Advocate

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****07.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court.
2. Perused the copy of charge-sheet provided by the counsel for the State in connection with Crime No.274/2018 registered in Police Station Vidhan Sabha, Raipur, District Raipur for the offence punishable under Sections 306/34 of IPC.
3. Case of the prosecution, in brief, is that deceased Prafull Dubey was near about 36 years old on the date of incident. He was a resident of Housing Board Colony, Dhansuli. The deceased demanded his loan amount from accused Vikram Bag then accused Vikram Bagh and his brother and the present applicants misbehaved with the deceased due to which deceased Prafull Dubey committed suicide on 14.06.2018 by hanging himself. The applicant No.1-Sunita Bagh is a mother of accused Vikram Bagh and applicant No.2-Rupendra Bagh is a father of accused Vikram Bagh.

4. Counsel for the applicants argued that Section 107 of IPC does not attract in this case. The applicant No.1-Sunita Bagh being a woman and her only one kidney is functioning at present. He further submits that the applicants have not committed any offence. They are innocent and have been falsely implicated in the case and as such they may be released on bail.
5. On the other hand, counsel for the State opposed the prayer for grant of bail to the applicants.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. *Prima facie* at this stage it could not be said that Section 306 of IPC does not attract in the case in hand. There is no such material available on record on the strength of which it could be said that not functioning one kidney is a fatal of life of applicant No.1.
8. Looking to these facts and circumstances of the case, looking to the dying declaration of deceased, looking to the seriousness of the offence and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.
9. Consequently, the bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-