

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.499 of 2017

- Rajkumar @ Geeta Berman S/o Bhuru Ram Berman, Aged About 32 Years R/o Dhobanidih, Chowki Bhatgaon, Police Station Bilaigarh, Tahsil Bilaigarh, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Chowki Bhatgaon, Police Station Bilaigarh, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri JR Verma, Advocate
For Respondent/State	:	Shri Dhiraj Wankhede, GA

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

Order On Board

02/01/2018

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.20/2017, registered at Police Station–Bilaigarh, District Baloda Bazar-Bhatapara for alleged commission of offence under Sections 306, 34 of IPC.
3. Case of the prosecution is that the applicant and other co-accused assaulted one Dhawajaram Khunte in the night and next morning, his dead body was found hanging on the tree.
4. Learned counsel for the applicant submits that there is no clinching evidence on record to show that the applicant abetted commission of so-called suicide. He submits that even according to the story of the prosecution witnesses, the applicant admits that the deceased was alleged to be assaulted but it cannot be said to be a case of abetment by itself.
5. On the other hand, learned State counsel opposes the prayer for grant of bail on the submission that presently, the applicant is absconding and the other co-accused have been arrested. It is submitted that the applicant is named by one of

the prosecution witnesses which shows that the applicant is involved in beating the deceased and thereafter the dead body was found hanging on the tree, therefore, prima facie case is made out against the applicant.

6. Taking into consideration the submission of learned counsel for the parties, I am not inclined to grant the benefit of anticipatory bail to the applicant.

7. Accordingly, the application is rejected. However, in case, the applicant would surrender and applies for grant of regular bail before the Court below, his bail application shall be considered and decided within three days.

SD/-
(Manindra Mohan Shrivastava)
Judge