

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7893 of 2017

1. Deenanath @ Deena S/o Shri Firan Lal, Aged About 25 Years, R/o Azad Nagar, P. S. Godripara, P. S. Chirmiri, Tahsil Khargawan, Civil And Revenue Distt. And Distt. Korea Baikunthpur Chhattisgarh, Chhattisgarh
2. Dinesh Kumar Bholu S/o Shri Firan Lal, Aged About 23 Years, R/o Azad Nagar P. S. Godripara, P. S. Chirmiri, Tahsil Khargawan, Civil And Revenue Distt. And Distt. Korea Baikunthpur Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
3. Dubendra Suryavanshi S/o Shri Dujram Suryavanshi, Aged About 25 Years, R/o Azad Nagar P. S. Godripara, P. S. Chirmiri, Tahsil Khargawan, Civil And Revenue Distt. And Distt. Korea Baikunthpur Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P. S. Chirmiri, Tahsil Khargawan, Civil And Revenue Distt. And Distt. Korea Baikunthpur Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicants – Shri J.A. Lohani, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. Applicant No. 1 has been arrested on 25-08-2017, applicant No.2 has been arrested on 14-10-2017 and applicant No.3 has been arrested on 25-09-2017 in connection with Crime No.111/2017 registered at P.S. Chirmiri, District Korea, Chhattisgarh for the offence under Section 306, 34 of the IPC.

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. No case is made out of abetment to commit suicide against these applicants on the basis of the material in the charge sheet filed against them. Applicant No. 1 is in jail since 25-08-2017, applicant No.2 is in jail since 14-10-2017 and applicant No.3 is in jail since 25-09-2017. They are ready to abide by all the conditions to be imposed on grant of bail.

Hence, it is prayed that they may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that there is direct statement of the witnesses against these applicants that because of their act and conduct the deceased has committed suicide. Hence, they are not entitled for grant of bail.

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

5. According to the prosecution case, sister of applicant No.1 and applicant No. 2 and the deceased eloped on 26-07-2017, but both of them were caught and brought back by the applicants. It is alleged that because of some threat given by the applicants, the deceased committed suicide by hanging himself.

6. Considered on the submissions made and the contents of the case diary.

7. Looking to the facts and circumstances of this case, I am of this view that this is a fit case where the applicants should be granted bail.

8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge