

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7720 of 2017

- Abhishek Agrahari S/o Bhagwan Das Agrahari, Aged About 35 Years
R/o Bada Bazar, Chirmiri, P. S. Chirmiri, Tehsil Khadgawan, District
Koriya Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chirmiri, District Koriya
Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant : Mr. Pushkar Sinha and Mr. Y.C. Sharma,
Advocates.
For Respondent : Ms. Smita Ghai, Panel Lawyer.
For Objector : Mr. Punit Ruparel, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.394/2017, registered at Police Station– Chirmiri, District– Koriya(C.G.) for the offence punishable under Sections 306 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is the tenant of the deceased and there was a dispute regarding tenancy between them. On various occasions deceased himself had harassed the applicant because of which applicant had to lodge complaint before the concerned authorities and also to file an application before the Rent

Controlling Authority for relief. There is no report of any handwriting expert opining that the alleged suicidal note left is in the handwriting of the deceased. Even the contents of the suicidal note do not make out any ground to arrive at a conclusion that it is the present applicant who abetted the deceased to commit suicide. Applicant is in jail since 16.10.2017 and he is willing to abide by all the conditions and direction, which may be imposed on him while granting bail. Hence, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the suicide note of the deceased and the statement of Janki Nag, wife of the deceased, clearly show that it is the applicant herein who abetted the deceased to commit suicide. Hence, the applicant is not entitled for grant of regular bail.
4. Learned counsel for Objector Mr. Punit Ruparel adopting the argument advanced by the counsel for State submits that the deceased was constantly harassed by the applicant because of which on an earlier occasion the wife of deceased had lodged FIR against the applicant based on which offence under Sections 294, 506 of IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was registered. This clearly shows that applicant is responsible for the death of the deceased, therefore, he is not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. As the case is this, that deceased committed suicide on 15.10.2017 leaving a suicidal note wherein it was alleged that the applicant is responsible for his suicide because applicant is harassing him and also

threatening to kill him. Apart from this, no other detail was given in the suicide note.

7. It is apparent that there was a landlord-tenant dispute between the applicant and the deceased as the deceased wanted the applicant to vacate the tenanted premises and on account of such dispute, both have instituted various proceedings against each other in different forums.
8. Thus, on overall consideration, I am of this view that present is a fit case where applicant deserves to be enlarged on bail during the pendency of the trial against him.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge