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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1842 of 2019**

1. Karan S/o Ramesh Sonkar Aged About 34 Years R/o Nariyalkothi, Dayalband, Police Station City Kotwali, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Vicky S/o Shri Ganesh Verma, Aged About 19 Years R/o Nariyalkothi, Dayalband, Police Station City Kotwali, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through S H O Police Station City Kotwali, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Yatharth Singh, Advocate.
 For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.07.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.539 of 2019, registered at Police Station – City Kotwali, District Bilaspur, Chhattisgarh for the offence punishable under Sections 306, 323 and 325, 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that applicant No.1 – Karan is in jail since 19.12.2018 and applicant No.2 – Vicky is in jail since 30.1.2019 and have been falsely implicated in this case. According to the evidence in the prosecution case, no case is made out for the offences under

Section 306 of the IPC and even if the other allegations are taken as it is, it would be an offence under Section 323 of the IPC. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that because of the mental torture given by these applicants the deceased has committed suicide. Hence, it is prayed that the applicants are not entitled for grant of regular bail.

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

5. According to the prosecution case, on the date of incident, the deceased was gambling with the applicants, in which he lost. Thereafter, some dispute taken place in which the applicants have beaten the deceased. The deceased left the place and came to the house and thereafter, he went into a room where he hanged himself and thus, committed suicide.

6. Considering the entire material present in the case-diary, it appears that neither the applicants have followed the deceased till the place of his residence nor the incident took place on the spot where they were gambling. Hence, for these reasons, I feel inclined to grant regular bail to the applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge