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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 662 of 2019**

Ajay Singh Thakur S/o J.S. Thakur Aged About 48 Years R/o Devika Vihar,
Rajkishore Nagar Bilaspur, Tahsil And District - Bilaspur Chhattisgarh.,
District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Kota, District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 707 Of 2019**

Suman Singh S/o Batuk Singh Aged About 45 Years R/o House No. 20
Mahima Vihar, Ring Road, No. 2, Police Station Civil Line Bilaspur, Tahsil
And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Police Out Post Belgahan Of The Police St.
Kota Tahsil Kota, District Bilaspur, Chhattisgarh., District : Bilaspur,
Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 718 Of 2019**

Rajkumar Singh Late Shri Buddhu Singh, Aged About 56 Years R/o Near
Kali Mandir, Tifra, P. S. Sirgitti, Bilaspur, Tahsil And District Bilaspur,
Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Its Station House In-Charge, P. S. Kota,
District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 728 Of 2019**

Manohar Raj S/o Shri Maan Singh Raj Aged About 48 Years Caste Gond
(Tribe) Occupation Agriculturist, R/o Village Chatona Police Station Kota,
Chowki Belgahna, Tehsil And District- Bilaspur, Chhattisgarh., District :
Bilaspur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Kota,
District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Sourabh Sharma, Shri Surya Pratap Singh, Shri Anil S. Pandey and Shri Harsh Wardhan Parganiha, Advocates.
For the Respondent/State	:	Shri Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

16.05.2019

Heard.

1. All these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.128/2019 registered at Police Station – Kota, District Bilaspur for the offence punishable under Section 306 of the Indian Penal Code and Section 3(1)(द) (ख)(घ)(da) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The only statement made by the deceased in his suicidal note that he had some dispute regarding financial transactions with these applicants alongwith other co-accused persons which does not amount to abetment to commit suicide in any manner. Similarly placed co-accused persons have been granted anticipatory bail by this Court. Hence, it is prayed that the applicants may be benefited with grant of anticipatory 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 there is clear allegation that the deceased was tortured by the applicants before his suicidal death. Hence, for these reasons, none of the applicants were entitled for grant of anticipatory bail.

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

5. Deceased – Santosh Kumar committed suicide in the intervening night of 13th and 14th March, 2019 by hanging himself. One note was found in his pocket in which he had mentioned the dues that were to be realized from these applicants. There is other evidence that the deceased had some dispute with these applicants before his death.

6. After considering the entire material present in the case-diary and taking into consideration the fact that similarly placed co-accused persons have been granted anticipatory bail by this Court, I feel inclined to grant anticipatory bail to all the applicants in all the cases.

7. Accordingly, the bail applications filed by the applicants in all the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in all the cases in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the

concerned Investigating Officer. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge