

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3223 of 2019

1. Ashok Yadav S/o Shri Kangalu Ram Yadav, Aged About 28 Years, R/o Village - Hirapur, Police Station - Pipariya, Tahsil - Kawardha, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
2. Sandip Kumar Dhurve S/o Shri Basant Singh Thakur, Aged About 28 Years, R/o Village - Hirapur, Police Station - Pipariya, Tahsil - Kawardha, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
3. Umend Singh S/o Sukhiram, Aged About 50 Years, R/o Village - Hirapur, Police Station - Pipariya, Tahsil - Kawardha, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station - Pipariya, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

----Non-applicant

For Applicants – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-07-2019

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. The applicants have been arrested on 30-04-2019 in connection with Crime No.115/2019 registered at P.S. - Pipariya, District Kabirdham, 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 for abetment to commit suicide against these applicants. According to the allegation in the case investigated, these applicants had thrashed the deceased on account of some dispute and thereafter the deceased left the place and committed suicide, for which the reasons are unknown. These applicants can be held responsible only to the extent that they had assaulted and injured the deceased at the time

of incident. Therefore, it is prayed that these applicants may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that because of the thrashing given by the applicants to the deceased he felt depressed and insulted and then he has committed suicide by hanging himself. Therefore, the applicants 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, on the date of incident deceased Kuleshwar Nirmalkar had been to a marriage procession in Village Jhalmala, where he had some dispute with the applicants for which they thrashed him. The deceased then came back to his village and thereafter committed suicide by hanging himself.

6. After considering on the facts and circumstances of this case, I am of this opinion that the application filed by the applicants for grant of regular bail deserves to be allowed.

7. Consequently, the 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 in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge