

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 862 of 2019

1. Mahesh Kunjam, S/o Bharat Kunjam Aged About 30 Years Caste Gond, R/o Hathkongera, Tahsil Kanker, District North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh
2. Mahendra Kunjam Ramkaran Kunjam Aged About 32 Years Cast Gond R/o Hathkongera, Tahsil Kanker, District North Bastar Kanker, Chhattisgarh.
3. Birbal Bhaskar S/o Chamru Ram Aged About 35 Years Caste Gond, R/o Village-Talakurra, Police-Station-Korar, District : Kanker, Chhattisgarh
4. Nirmal Bhaskar S/o Chamru Ram Aged About 40 Years R/o Village Talakurra, Police Station Korar, District Kanker Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Korar, District Kanker Chhattisgarh.

---- Respondent

For Applicants : Mr. Amit Kumar Sahu, Advocate.

For Respondent : Mrs. Madhunisha Singhi, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

21/06/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.29/2019 registered at Police Station-Korar, District-Kanker(C.G.), for the offence punishable under Sections 306, 34 of the Indian Penal

Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out for commission of offence of abetment to commit suicide against them. The FIR is delayed by almost one year and without any basis, hence, it is prayed that application be allowed.
3. Learned State Counsel opposes bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, on the date of incident deceased Trilochan held a meeting with Tikeshwari and was talking to her. When it was discovered by the applicants he objected to it and thrashed the deceased. Trilochan was then handed over to the Sarpanch and it was declared that the meeting will be held to take a decision on the incident. Subsequent to that in the same night the deceased committed suicide by hanging himself. Hence, this case.
6. After considering the entire material present in the case diary, I am of this opinion that this is a fit case where applicants should be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants 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 him/her 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha