

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Reserved on 30-08-2019****Delivered on 02-09-2019****MCRC No. 4691 of 2019**

Ku. Rachna Singh D/o Late Chandrashekhar Singh, aged about 27 years, R/o Rajesh Medical Stores, Marouda Tank, Police Station Newai, Durg, District Durg (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police of Police Station Khadgawan, District Koriya (C.G.)

---- Respondent**MCRC No. 5139 of 2019**

Dr. Vipin Singh, age 34 years, S/o Lalbadan Singh, R/o 102/13, Near Paani Tanki, Akanksha Kunj, Vaishali, Bhilai, Dist. Durg (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through P.S. Khadgawa, Distt. Koriya (C.G.)

---- Respondent

For applicant in MCRC No. 4691/2019	Mr. Hemant Agrawal, Adv.
For applicant in MCRC No. 5139/2019	Mr. Devarshi Thakur, Adv.
For non-applicant/State	Mr. D.K. Tiwari, Deputy Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**CAV ORDER**

1. As both the above bail applications arise out of same crime number of same police station and they are heard together, they are being disposed of by this common order.
2. These are is first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other Court.
3. The applicants have been arrested in connection with Crime

No 121/2019 registered in police station Khadgawan, Distt. Koriya (CG) for offence punishable under Sections 306, 34 of IPC.

4. Prosecution story in brief is that deceased Indrajeet Giri was a Teacher in Eklavya Model Residential School, Pondidih, Khadgawan, District Koriya. On 21/05/2019 he committed suicide there. During merg inquiry a suicidal note was seized from his pocket. As per the suicidal note applicant Ku. Rachana Singh was mentally harassing him by abusing. He is tired by fulfilling her lust. Yesterday she beat him, ousted him making the allegations. She and applicant Vipin Singh tried to down his reputation. He will not bear more.
5. Counsel for applicant Ku. Rachana Singh argued that witnesses of alleged seizure of suicidal note L.R. Sahu and Ravi Giri do not say in their statements taken during merg enquiry about the suicidal note. Investigating Officer had not sent the copy of seizure to concerned Court. Provisions of Section 100 of CrPC are not complied with. FIR is delayed by 27 days. No case is made out under Section 306 of IPC. Deceased was frustrated person. He placed reliance the order dated 05/03/2019 passed by co-ordinate Bench of this Court in **Criminal Revision No. 111 of 2018** in the matter of **'Kewal Krishnakant Vishwakarma vs. State of Chhattisgarh** and judgment of Hon'ble Supreme Court in the matter of **'M. Mohan vs. State represented by Deputy Superintendent of Police Velmurugan and another vs. State represented by the Deputy Superintendent of Police** [AIR 2011 SC 1238].
6. Counsel for applicant Dr. Vipin Singh submitted that applicant Dr. Vipin Singh never met with the deceased. He received a telephonic call of deceased that he and applicant Ku. Rachna Singh had love affair.
7. On the other hand, counsel for the State opposes the bail applications. He however submits that no criminal

antecedents against the applicants are reported in the police case diary.

8. This is well settled legal position that while dealing with the bail application Court can neither scrutinized the evidence nor appreciate the evidence. This is also well settled legal principle that at this stage Court cannot look into the defence of the accused.
9. In the aforesaid order of co-ordinate Bench of this Court, and the judgment of Hon'ble Supreme Court, no legal principle has been laid down regarding bail.
10. Aforesaid order of co-ordinate Bench of this Court is related to the matter of framing of the charge. Aforesaid order of Hon'ble Supreme Court is related to the matter of judgment after conclusion of trial.
11. Looking to the above mentioned facts and circumstances of the case, looking to the allegations made in alleged suicidal note, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the applications are allowed. It is directed that if each of the applicants furnishes two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs.50,000/- to the satisfaction of the concerned Court with the condition that they shall appear before the trial Court at 11.00 am as and when directed till trial and they would cooperate during the trial, they be released on bail.
12. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge