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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1210 of 2019

1. Rohit Kumar Tiwari S/o Late Balgovind Tiwari, Aged About 55 Years, R/o Ward No. 2, Azad Chowk, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station - Panduka, (Wrongly mentioned as police station Gariyaband in cause title of the order Sheet) District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

MCRCA No. 1343 of 2019

- Govind Ram Nirmalkar S/o Late Rajuram Nirmalkar, Aged About 60 Years, R/o Pairi Sinchai Colony, Panduka, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Panduka, (Wrongly mentioned as police station Gariyaband in cause title of the order sheet), District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

MCRCA No. 1356 of 2019

- Madan Lal Dhruv S/o Dhruva Ram Dhruv, Aged About 53 Years, R/o Village Kadobatur, Post and Police Station Gariyaband, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Panduka, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

--- Non-applicant

For Applicants – Shri Rahim Ubwani and Shri Navin Shukla, Advocates.
For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-09-2019

1. As these three applications arise out of the same crime number, i.e., Crime No.113/19 registered at P.S. Panduka, District Gariyaband, Chhattisgarh

for offence punishable under Section 306, 34 of the IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they are being decided by this common order.

2. These applications have been filed by the applicants under Section 438 of the Cr.P.C. for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for the applicants that the applicants in all these three applications have been falsely implicated in this case. There is technically no evidence to make out a case under Section 306 of the IPC against these applicants. If the contents of the suicide note of the deceased is to be believed that will make out only a case of harassment against the applicants which is not abetment in any sense. All the applicants are Government employees. Therefore, it is prayed that the applications may be allowed.

4. Learned counsel for non-applicant/State opposes the applications submitting that the deceased has been continuously harassed by these applicants because of which he was compelled to commit suicide. Therefore, the applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, deceased Rishiram Dhruv was a daily wages employee in the Irrigation Department at Gariyaband, as he had absented from his duties, because of which his payment was withheld by the department. The deceased was feeling harassed because of the stoppage of the payment, therefore, he approached these applicants and it is alleged that these applicants demanded bribe in return to help him in withdrawing the stopped payment, which he paid. But, subsequently as the stopped payment was not released, therefore, the deceased committed suicide.

7. As the allegation against these applicants is mainly regarding demand

and receipt of bribery for which there is no case registered against them, the reason for commission of suicide by the deceased appears to be this, that he was harassed because of departmental inaction. Therefore, I feel inclined to allow all these three applications.

8. Consequently, all these three anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge