

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5513 of 2019**

- Jeevanlal @ Suger Prajapati S/o Shri Ramsunder Prajapati, Aged About 36 Years R/o Gram Kanjiya, Thana Janakpur, District Koriya, Chhattisgarh.
- Chandradev @ Badaka Prajapati S/o Shri Ramdayal Prajapati, Aged About 45 Years, R/o Gram Kanjiya Thana Janakpur, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through : Police Station Janakpur District Korea, Chhattisgarh.

---- Respondent**MCRC No. 6158 of 2019**

- Chandradev @ Badka Dau Prajapati S/o - Ramdayal Prajapati, Aged About 45 Years, R/o- Kanjiya, P.S. - Janakpur, District Koriya, (Baikunthpur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer - Janakpur, District - Koriya Chhattisgarh.

---- Respondent

For Applicants	:	Shri Anurag Dayal Shrivastava, Advocate in MCRC No.5513/2019, and Shri Ram Sajiwan, Advocate in MCRC No.6158/2019.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****11/11/2019**

1. Learned counsel for the applicants in MCRC No.5513/2019 submits that prior to filing of this bail application with co-accused Jeevanlal @ Sugar Prajapati, applicant Chandradev @ Badaka Prajapati has already filed another MCRC No.6158/2019 arising out of same crime number.

2. Accordingly, MCRC No.5513/2019 in respect of applicant Chandradev @ Badka Prajapati, is dismissed as unnecessary.
3. Since the aforesaid bail applications arise out of same crime number, they are being disposed off by this common order.
4. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.149/2019, registered at Police Station - Janakpur, District Koriya (C.G.) for the offence punishable under Section 306 IPC and Sections 4 & 5 of the Chhattisgarh Tonahi Pratadana Nivaran Adhiniyam, 2005.
5. The prosecution story, in brief, is that the applicants had passed remark of sarcasm (Tonahi) on deceased Smt. Rajani Prajapati, due to which she felt humiliated and committed suicide. Based on this report, offence has been registered against the applicants. The applicants have been taken into custody on 14.05.2019.
6. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. They further submit that it is the statement of the husband of the deceased that she was suffering from mental disease and due to this deceased committed suicide. They also submit that the applicants are in custody since 14.05.2019, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
7. On the other hand, learned State counsel opposes the bail applications.
8. I have heard learned counsel for the parties and perused the record.
9. Considering the totality of the facts and circumstances of the case, the quality of evidence and further considering the fact that the applicants are in custody since 14.05.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

10. Accordingly, the bail applications are allowed.
11. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge

Pekde