

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1399 of 2019

1. Nitin Jain S/o Jethmal Jain Aged About 32 Years R/o Jain Mandir Komakhan, Aarakshi Kendra Komakhan, District Mahasamund Chhattisgarh
2. Nikki Jain aged about 30 years, S/o Jethmal Jain, R/o Near Jain Mandir, Komakhan, Aarakshi Kendra Komakhan, District Mahasamund (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Aarakshi Kendra Komakhan, District Mahasamund Chhattisgarh

---- Respondent

AND

MCRCA No. 1406 of 2019

- Amarjeet Chhabda S/o Amrik Singh Chhabda, Aged About 60 Years R/o Khariyar Road, Police Station Jok, Tahsil And District Nuwapada (Orissa).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Komakhan, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants (In MCRCA No. 1399/2019): Ms. Madhunisha Singh,
Advocate.

For Applicants(In MCRCA No. 1406/2019): Mr. Amit Singh Chouhan,
Advocate.

For Respondent/State : Mr. Ajay Kumrani, Panel
Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/10/2019

1. The Applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 138/2019, registered at Police Station Aarakshi Kendra Komakhan, Distt. Mahasamund, Chhattisgarh for the offence punishable under Sections 306 R/w Section 34 of the IPC.
2. In this case, there are total three accused persons. Deceased Hanif Mohammed committed suicide on 11.08.2019 by hanging himself. The morgue was lodged by his son. During course of investigation, one suicidal note has been recovered from the body of the deceased. On the basis of which offence has been registered. Allegations against the Applicants is that they gave money to the deceased and thereafter they were troubling the deceased to return their money, due to which on being troubled, the deceased committed suicide.
3. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case only on the basis of one suicidal note which was recovered from the body of the deceased. There is nothing on record on the basis of which *prima facie* offence under Section 306 of the IPC can be made out against the applicants. He further submits that material ingredients of said offence are missing in this case. He lastly submits that the Applicants are the reputed persons of their society, they are the permanent resident of above mentioned address and there is no chance of their absconding, therefore, they may be granted benefit anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on merits of the case, in my considered opinion, these are the fit cases for grant anticipatory bail to the Applicants.
7. Accordingly, the anticipatory bail applications are allowed.
8. It is directed that in the event of arrest, 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 for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/Applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/Applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-

(Arvind Singh Chandel)
Judge