

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 105 of 2020

Uttam Buddh Bhardwaj S/o Late Shobha Ram Bhardwaj Aged About 34 Years Occupation Service (Sub Inspector, Excise Circle Lormi), R/o Post Pihrid, Police Station And Tahsil Malkharoda, District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Balrampur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

WITH

MCRCA No. 93 of 2020

1. Rameshwar Singh Rathiya S/o Late Briksharam, Aged About 51 Years Occupation Service Head Constable Of Excise At Balrampur, District Balrampur Ramanujganj Chhattisgarh Permanent R/o Chakradhar Nagar, Raigarh, District Raigarh Chhattisgarh.
2. Vidhya Singh Parmar S/o Late Bodhi Singh Aged About 51 Years Occupation Service Constable Of Excise, District Balrampur Ramanujganj, Chhattisgarh Permanent R/o Chittvishrampur, P.S. Balrampur, District Balrampur Ramanujganj Chhattisgarh.
3. Babuaa Ram Ekka S/o Late Dilaram, Aged About 53 Years Occupation Service Constable Of Excise, District Balrampur Ramanujganj, Chhattisgarh Permanent R/o Sumerpur @ Chendra, P.S. Lundra, District Surguja Chhattisgarh.
4. Jemswat Khalkho S/o Somaram Aged About 36 Years Occupation Service Vehicle Driver Of Excise Jaspur, District Jaspur (Chhattisgarh) Permanent R/o Kansabel Rajiv Nagar, P.S. Kansabel District : Jashpur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Balrampur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant (In MCRCa No.105/2020) : Mr. Prafull N. Bharat, Advocate.
For Applicant (In MCRCa No.93/2020) : Mr. Akath Kumar Yadav,
Advocate
For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/03/2020

1. Since, both the cases arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 221/2019, registered at Police Station: Balrampur, District-Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 306 read with 34 of IPC.
3. Counsel for the Applicants in MCRCa No.93/2020 submits that the Applicant No.2 had already been arrested therefore he doesn't want to press MCRCa No.93/2020 with regard to Applicant No.2.
4. Accordingly, anticipatory bail application (MCRCa No.93/2020) is dismissed as not pressed with regard to Applicant No.2.
5. The Applicant in MCRCa No.105/2020 namely Uttam Buddh Bhardwaj is the Sub-Inspector in Excise Department likewise the Applicant No.1, 3 & 4 namely Rameshwar Singh, Babuaa Ram & Jemswat Khalkho are the Head Constable, Constable and Driver respectively in Excise Department. As per the prosecution story, on 21.05.2018 after receiving the secret information, the Applicants raided the house of Ramesh Mandal and seized 4 ½ litre of country-made liquor from him and thereafter they arrested him and taken him to the control room. After furnishing of bond by Ramesh Mandal he was released on 21.05.2018 itself and thereafter on 22.05.2018 Ramesh Mandal committed suicide by hanging himself. Allegations

against the present Applicants are, after arresting him in control room the present Applicants tortured the deceased and due to that he committed suicide. On the basis of said background, offence has been registered.

6. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case. He submits that prima facie no case under Section 306 of IPC can be made out because there is nothing on record on the basis of which it can be said that Applicants by any manner have tortured or instigated the deceased to commit suicide. He also submits that there is also no material available on record which says that Applicants have beaten the deceased in control room, therefore, he prays for grant of anticipatory bail to the Applicants.
7. Per contra, learned counsel appearing on behalf of State opposes the bail application however, it is fairly admitted by the state counsel that in the post-mortem, no bodily injuries were found on the body of the deceased.
8. I have heard learned Counsel for the parties.
9. Considering the facts and circumstances of the case, arguments advanced by counsel for the parties and particularly considering the fact that no bodily injuries were found in the postmortem report of the deceased, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
10. Accordingly, the anticipatory bail application of Applicant namely Uttam Buddh Bhardwaj in MCRCA No.105/2020 and Applicant No.1, 3 & 4 namely Rameshwar Singh Rathiya, Babuaa Ram Ekka & Jemswat Khalkho respectively in MCRCA No.93/2020 is allowed.
11. 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 him and he 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