

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 701 of 2020

Vinod Singh S/o Late R. N. Singh Aged About 34 Years R/o Village Gariyaband District Gariyaband Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Chhura, District Gariyaband Chhattisgarh.

---- Respondent

WITH

MCRCA No. 879 of 2020

Lekheshwar Bhuarya S/o Jagdish Bhuarya Aged About 35 Years R/o Village- Alibar, Police Station- Devri, District- Balod, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Chhura, District- Gariyaband Chhattisgarh

---- Respondent

WITH

MCRCA No. 719 of 2020

Ravikishor Sai S/o Late Dineshwar Sai Aged About 39 Years R/o Village- Mundadih, Post- Bhagora, Tahsil- Farsabahar, District- Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Chhura, District- Gariyaband, Chhattisgarh

---- Respondent

For Applicant (In MCRCA No.879/2020) : Mr. Atanu Ghosh, Advocate.
For Applicant (In MCRCA No.701/2020) : Mr. Dharmesh Shrivastava,
Advocate.
For Applicant (In MCRCA No.719/2020) : Mr. Dharmesh Shrivastava,
Advocate.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/07/2020

1. The matter is heard through Video Conferencing.
2. Since, all the cases are arising out of same crime number therefore, they are being decided by this common order.
3. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 69/2019, registered at Police Station– Chhura, District: Gariyaband (C.G.) for the offence punishable under Section 306, 201 & 34 of IPC.
4. As per the prosecution story, in the intervening night of 13.09.2018 & 14.09.2018, a person namely Santosh Devar who was taken into custody for interrogation in the lockup of Police Station: Chhura committed suicide by hanging. An judicial inquiry was conducted by the learned CJM, Gariyaband and after completion of the inquiry, it was found that the present Applicant had abetted the deceased to commit suicide. On the basis of said, offence has been registered.
5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He submits that there is no material available on record on the basis of which it can be said that offence under Section 306 of IPC is made out and also it cannot be said that the present Applicants have abetted the deceased to commit suicide. He lastly submits that on the same facts and grounds co-accused person namely Mr. Jaisingh Diwan has been granted benefit of anticipatory bail vide order dated 25.02.2020 passed in MCRCA No.1904/2019, therefore, it is prayed

that the present Applicants may be granted benefit of anticipatory bail.

6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case and arguments adduced by counsel for the Applicants and particularly considering that co-accused person has been already granted benefit of anticipatory bail by this Court, without further commenting on merits of the case, I am inclined to release the Applicants on bail.
9. Accordingly, the anticipatory bail applications are allowed.
10. 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 them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge