

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No.608 of 2020

1. Narendra Chandrakar, S/o Shri Dharamraj Chandrakar, aged about 39 years, R/o Village Ameri Post- Jamgaom(M) Tehsil – Patan and District- Durg, Chhattisgarh.
2. Chinta Ram Yadav, S/o Mehatarram Yadav Aged about 4 years R/o Village Ruhi Post-Jamgaon(M) Tehsil- Patan and District-Durg, Chhattisgarh.
3. Raju Lehri S/o Kartik ram Lehri Aged about 35 years R/o Village Ameri, Tehsil-Patan and District-Durg, Chhattisgarh.

Versus

State of Chhattisgarh, Through SHO Old Bhilai, District Durg,
Chhattisgarh

For Applicants : Mr. B.P. Singh, Advocate.

For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/06/2020

1. The matter is heard through video conferencing.
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. 130/2020, registered at Police Station Old Bhilai, Distt. Durg, Chhattisgarh for the offence punishable under Section 306 R/w 34 of the IPC.
3. In this case, Applicant No. 1 (Narendra Chandrakar) is ex-Sarpanch of Gram Panchayat Ameri, Post-Jamgaom (M), Tehsil-Patan and District Durg (C.G.), Applicant No. 2 (Chinta Ram) is the Panchayat Secretary and Applicant No. 3 (Raju Lehri) is the Rozgar Sahayak of

said Panchayat. Name of the deceased is Ashish Chandrakar. On 24.04.2020, the deceased committed suicide by hanging himself and left one suicidal note, wherein, he wrote that some payment of beneficiaries has not been paid in the tenure of Applicant no. 1 and Applicant no. 2 has taken his signature on that false paper. Allegedly, all the Applicants have mentally harassed the deceased on the said point due to which he committed suicide.

4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that, prima facie no case under Section 306 of the IPC can be made out against the applicants. There is nothing on record which shows that the Applicants by any manner instigated the deceased to commit suicide. Thus, ingredient of Section 107 of the IPC is not made out. Hence, it is prayed that the Applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. 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, it is a fit case for grant anticipatory bail to the applicants.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with one solvent 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 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