

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 963 of 2020

1. Mohini Manikpuri W/o Sukhdas Manikpuri Aged About 32 Years R/o Village Katangi, Police Station Gandai, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
2. Golu Manikpuri @ Dular S/o Krishnadas Aged About 20 Years R/o Village Bagur, Police Station Gandai, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through - Station House Officer, Police Station Gandai, District : Rajnandgaon, Chhattisgarh

---- Respondent

WITH

MCRCA No. 960 of 2020

1. Gajju Patel @ Gajanand S/o Talaram Patel Aged About 20 Years R/o Village Katangi (Gandai), Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh
2. Taran Nirmalkar @ Bhushan Nirmalkar S/o Girdhari Nirmalkar Aged About 22 Years R/o Village Katangi (Gandai), Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh
3. Sonu @ Akshay Kumar Nirmalkar S/o Girdhari Aged About 24 Years R/o Village Katangi (Gandai), Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Gandai, District Rajnandgaon, Chhattisgarh

---- Respondent

WITH

MCRCA No. 1047 of 2020

Chitra Kumar Yadav S/o Shiv Yadav, Aged About 28 Years R/o Village Katangi (Gandai) Tahsil Chhuikhadan, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Gandai, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants	: Mr. Abhishek Sharma, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

23.09.2020

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 filed this First 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.104/2020, registered at Police Station: Gandai, District: Rajnandgaon (C.G.) for the offence punishable under Section 306 & 34 of IPC.
4. As per the prosecution story, on 05.06.2019, at around 05:00 A.M., the deceased namely Vijay Kumar Sahu committed suicide by hanging himself on the tree located at Primary School at Village Katangi. As per the prosecution story, there was a love affair of the deceased with one Anita. The deceased along with Anita also spent 3-4 days at Jungle. Allegedly, when the Applicants after knowing their relationship they threatened for life to the deceased due to which he committed suicide. A suicide note is also recovered in this regard. On the basis of merged enquiry, offence has been registered against the present Applicants.
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 if the entire contents of suicidal note is taken as it is, Prima Facie no offence under Section 306 of IPC is made out. Ingredients of Section 107 of IPC are totally missing, 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 after perusal of contents of suicidal note, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
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.

(Arvind Singh Chandel)
Judge