

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 7039 of 2020**

- Rajkumar Verma, s/o Mulchand Verma, aged about 36 years, r/o Purani Basti Darri, PS- Darri, Tehsil- Katghora, Distt Korba (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Darri District Korba Chhattisgarh

---- Respondent

For Applicant	: Shri Awadh Tripathi, Advocate
For Respondent/State	: Shri Vikram Sharma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**10.12.2020**

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.178 of 2019 registered at Police Station Darri, District Korba CG for the offence punishable under Section 306 of the IPC.
2. Case of the prosecution in brief is that the deceased committed suicide by hanging himself just a day before the scheduled election of Municipal Corporation, Korba. Wife of the applicant as well as the wife of deceased were contesting the election of Parshad (Councillor) of Ward No.53. During the campaigning of election, applicant harassed and pressurised the deceased not to go for campaigning of election of his wife, which made the deceased to commit suicide. During the course of investigation one hand-written slip was also seized from the pocket of the deceased which was found to be in writing of the deceased against applicant.

3. Shri Awadh Tripathi, learned counsel for the applicant submits that the deceased expended huge amount towards election expenses, but considering the position of the wife of the deceased of losing her election to the wife of the present applicant, deceased committed suicide. He further submits that the contents of suicidal note allegedly seized from the pocket of deceased is also not clear connecting in any manner to the applicant. There was no material to show the involvement of the applicant in commission of alleged offence. The applicant is first offender and not having any criminal antecedents. He is in jail since 06.09.2020.
4. Shri Vikram Sharma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that during the course of investigation, the suicidal note was seized from the pocket of deceased on the basis of which, the applicant was arrested for alleged offence, hence he is not entitled for the benefit under Section 439 of the CrPC.
5. I have heard learned counsel for the parties.
6. Considering totality and entirety of facts and circumstances of the case, particularly, the nature of allegation that the wife of the deceased and the applicant of deceased were contesting the election of Councillor of Ward No.53 Municipal Corporation, Korba, and there is no material except the alleged suicidal note and further considering period of pre-trial detention, I am inclined to enlarge the applicant on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) with one surety in the like

sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma