

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7011 of 2020**

Ravi Kumar, S/o. Shri Jai Prakash, aged about 22 years, Caste- Kol, R/o Ward No. 5, North Jhagrakhand, Police Station- Jhagrakhand, Tahsil- Manendragarh, Distt.- Korea, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- Police Of Police Station Jhagrakhand, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Kumar Agrawal, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/10/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.7/2020, registered at Police Station – Jhagrakhand, District – Korea (C.G.) for the offence punishable under Section 306, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case

diary. According to the facts present in the case, the allegation which is materialized against the applicant can make out only commission of offence under Section 294, 506 and 323 of the I.P.C. There is no element of abetment present on the basis of which, the deceased has committed suicide. The applicant is in jail since 11.02.2020. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it was because of the abuse, threat and thrashing given by this applicant and other co-accused persons, the deceased felt compelled to immolate himself, which has resulted in his death, which shows that he was abetted to commit suicide. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that co-accused Sonu Kol borrowed Rs.70,000/- from the deceased Ramesh Kumar Prajapati. As the deceased needed the money, he asked the co-accused Sonu Kol for refund of the amount borrowed, on which co-accused Sonu Kol along with this applicant and one another accused, threatened and thrashed the deceased on 12.12.2019. The deceased got frustrated and he poured petrol over his body and set himself ablaze. He was admitted in the hospital with burn injuries who succumbed to the injuries on 18.12.2019. FIR has been lodged on 22.01.2020.

6. After considering on the submissions made and the facts present in the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram