

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9074 of 2020

1. Sanjudas Ghritlahre S/o Aatmadas Ghritlahre Aged About 24 Years Caste Satnami, R/o Village Bagur, Police Station And Tahsil Gandai, District Rajnandgaon Chhattisgarh.
2. Sandeep Netam S/o Parau Netam Aged About 23 Years Caste Gond, R/o Village Machgaon, Police Station And Tahsil Gandai, District Rajnandgaon Chhattisgarh. **---- Applicants**

Versus

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

For Applicants	:	Shri Abhishek Sharma, Advocate
For Respondent/State	:	Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15/12/2020

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 20.11.2020 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 I.P.C.
- 5) 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, there was a love affair of the deceased with Anita. The deceased alongwith 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.

- 6) 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 and co-accused of this case have already granted anticipatory bail by the co-ordinate Bench of this Court vide order dated 23.09.2020 in MCRCA No. 963 of 2020, MCRCA No. 960 of 2020, MCRCA No. 1047 of 2020 thereafter, it is prayed that the present applicants may be granted bail.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 8) Having heard learned counsel for the parties.
- 9) Considering the facts and circumstances of the case and arguments adduced by counsel for the applicants and the fact that co-accused of this case have already released on bail by the co-ordinate Bench of this Court, 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 of bail.
- 10) Accordingly, the bail application is allowed.
- 11) 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:-
 - a) That the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 - b) 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;

- c) The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- d) 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/-
(Gautam Chourdiya)
Judge

Nadim