

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1605 of 2019

1. Shobha Ram Patel & Ors. S/o Ramadhar Patel Aged About 47 Years R/o Bhadakachar, Thana Pali, District Korba, Chhattisgarh.
2. Jhadi Ram Patel S/o Sundar Lal Patel Aged About 52 Years R/o Chhindpani, Bhadhakachar, Thana Pali, District Korba, Chhattisgarh.
3. Chhedi Lal Marar S/o Ganga Marar Aged About 49 Years R/o Bhadakachhar, Thana Pali, District Korba, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Thana Incharge, Police Station Pali,
District Korba, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Tarendra Kumar Jha, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/01/2020

1. 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. 177/2019, registered at Police Station: Pali, District-Korba (C.G.) for the offence punishable under Section 294, 506, 323, 342, 384, 306/34 of IPC.
2. According to the case of prosecution one Balram Kashyap committed suicide on 10.09.2019. As per prosecution story, the deceased Balram Kashyap eve-teased one Kumari Bai. On 07.09.2019, when Balram Kashyap went to market, Kumari Bai recognized him and told his husband and relatives about the incident after which the husband and the relatives committed Maar-peet with the deceased and took him to the meeting which are conducted in villages where, the Sarpanch of that village fined him Rs.50,000/- and told him to pay the said amount before 15.09.2019 and thereafter due to pressure he committed suicide. It is further alleged that the Applicant No.01 along with other persons of village used to go to the house of the deceased and pressurized his family members to do

agreement between them. On the basis of said, offence has been registered.

3. After arguing some length learned counsel appearing on behalf of the Applicants submits that he wants to withdraw the instant application with regard to Applicant No.01. However he seeks liberty that in the event of filing of bail application u/s 439 of Cr.P.C. on behalf of the Applicant No.01, the Trial Court may be directed to decide the said application in accordance with law, preferably on the same date of its filing.
4. In view of the above submission, the instant application is dismissed as withdrawn with the aforesaid liberty with regard to Applicant No.01.
5. With regard to Applicant No.02 & 03 learned counsel submits that the applicants are falsely implicated in the present case as there is nothing in record on the basis of which it can be said that Applicant No.02 & 03 forced the family members of the deceased to do the agreement therefore, Prima Facie no case can be made out against the Applicant No.02 & 03 therefore, he prays for grant of anticipatory bail to the Applicant No.02 & 03.
6. Per contra, learned counsel appearing on behalf of State opposes the bail application.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and further considering the fact that there is nothing in record on the basis of which it can be said that Applicant No.02 & 03 forced the family members of the deceased to do the agreement therefore, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to Applicant No.02 & 03.
9. Accordingly, the anticipatory bail application is allowed with regard to Applicant No.02 & 03.
10. It is directed that in the event of arrest, the Applicant No.02 & 03 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 him 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/applicant 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/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge