

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2011 of 2019

1. Gayaram Gayakwad S/o Gainram Aged About 34 Years R/o Village Devri, Balodabazar, District- Balodabazar-Bhatapara, Chhattisgarh.
2. Anil De S/o Tarun De Aged About 49 Years R/o Bangali Colony Ward Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.
3. Purshottam Gayakwad S/o Mohit Ram Aged About 27 Years R/o Pt. Dindayal Ward Shanti Nagar Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, City Kotwali, Baloda Bazar, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Anil Singh Rajput, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/01/2020

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. 642/2019, registered at Police Station City Kotwali, Baloda Bazar, Distt. Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 306, 342, 363 & 34 of the IPC.
2. As per prosecution story, on 15.09.2019, deceased Devsharan went out from his house in the morning and not returned thereafter his dead body was found near railway line in hanging condition. Allegedly, relative of the applicants Babita had a love relationship

with the deceased for which on 13.09.2019, Babita went out from her house and the deceased kept her in a rented house. Allegedly, on 14.09.2019, all the applicants called the deceased in their home and committed *marpeet* with him and also hostage him till 3 AM due to which on 15.09.2019, the deceased committed suicide.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. No case can be made out against any of the applicants. There is no material available on record which shows that the applicants had instigated the deceased for committing suicide. The counsel further submits that after recovery of Babita, her statement was recorded on 15.09.2019 before the learned Executive Magistrate, Bhatapara (C.G.), wherein, she stated that at the night of 14.09.2019, the deceased handed over her to the applicants and went away from their. In view of the above, the applicants have hostage the deceased it not reliable. The counsel finally submits that the applicants are the reputed person of their society, they are permanent resident of above mentioned address and there is no chance of their absconding, therefore, they may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the statement of Babita. 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.
7. Accordingly, the anticipatory bail application is allowed.

8. 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 solvent 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.

Sd/-

(Arvind Singh Chandel)
Judge