

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7941 of 2019**

1. Bhupendra Yadav, aged about 30 years, son of Anandram Yadav,

2. Mukesh Yadav, son of Anandram Yadav, aged about 22 years,

Both are resident of Village- Kurra, Police Station- Gobra Nawapara, Tahsil-
Abhanpur, District Raipur (C.G.) (In jail)

---- Applicants

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station- Gobra
Nawapara, District Raipur (C.G.)

----Non-applicant

For Applicants	:	Mr. D.N. Prajapati, Advocate.
For Non-applicant	:	Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board**

27/01/2020

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 384/2019 registered at Police Station Gobra Nawapara, District - Raipur for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 30.01.2019 deceased Tilakram Sahu committed suicide by hanging himself in a tree situated near his house. The incident was reported to the police station, Gobra and during the course of investigation on 06.02.2019, a suicidal note was recovered from the brother of Tikaram namely Rupesh Sahu and only on the basis of which, the applicants have been arrested.

(3) Counsel for the applicants submits that the applicants have falsely been implicated in the crime in question as there is no allegation of abatement in the suicide note recovered from the place of occurrence, that too, it was recovered after seven days from the date of committing suicide by deceased Tilakram Sahu, therefore, the same is highly doubtful. He further submits that basic ingredients of Section 306 of the IPC is missing in the present case and the applicants are in detention since 09.09.2019 and charge sheet has already been filed and no useful purpose would be served in detaining them further in jail and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the nature and gravity of the offence, further considering the facts that applicants are in detention since 09.09.2019; charge sheet has already been filed and the trial is likely to take some time for its final disposal and no custodial interrogation is required, this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

