

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2163 of 2019

- Jogender Lal Makkad S/o Late Bodhraj Makkad Aged About 72 Years R/o Nehuru Ward Bhatapara, Police Station - Bhataphara Shahar, Tahsil - Bhatapara, District - Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Simga, District - Balodabazar Bhatapara Chhattisgarh.

---- Respondent

AND

MCRCA No. 2184 of 2019

- Sonu Tiwari S/o Makku Tiwari Aged About 33 Years R/o Bunkar Society Para, Near Sarkari Depot, Quarter No. 117 Simga, Police Station And Tahsil Simga, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Simga, District Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No. 2163/2019):Mr. Hanuman Prasad Agrawal,
Advocate.

For Applicant (In MCRCA No. 2184/2019):Mr. Hanuman Prasad Agrawal,
Advocate.

For Respondent/State : Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/01/2020

1. Since, the above bail applications arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 391/2019, registered at Police Station Simga, Distt. Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 306 of the IPC.
3. As per prosecution story, on 20.09.2018, one Raju Sen committed suicide by hanging himself. After morgue enquiry, FIR has been lodged on 25.09.2019. It has been alleged that deceased Raju Sen was the Tractor Driver of the applicants, on 20.09.2018, the applicants made allegations on the deceased that he has changed the tires of their Tractor and for that they abused him, committed *marpeet* with him and also threatened to kill him due to that the deceased committed suicide.
4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that there is nothing on record on the basis of which it is established that the applicants have instigated the deceased for committing suicide. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant

anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail applications are allowed.
9. 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:-
 - 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