

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 766 of 2021

1. Gangaram @ Ganga Singh S/o Kashi Singh, Aged About 22 Years, Caste Gond, R/o Village Arjunpur (Madhavpurpara), Police Station And Tehsil Ramanujnagar, District Surajpur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Ramanujnagar, District Surajpur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Shakti Raj Sinha Advocate.
For Non-Applicant/State	:	Mr. Hariom Rai, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 10/10/2020 in connection with Crime No. 177/2020 registered at Police Station Ramanujnagar, District Surajpur (C.G.) for the offence under Section 306 of IPC.
- 2) Case of the prosecution in brief is that on 08/10/2020 at around 12 in the noon the applicant went to the house of Smt. Durgi Bai and one neighbour Sonmati consumed Chicken and liquor. After some time Durgi Bai went to sleep as she was feeling intoxicated. The applicant took the daughter of the Durgi Bai namely Khel Kumari inside the room bolted the door. When Durgi Bai came to know about this above, she asked for opening the door of the room but it was not opened. Thereafter, the family members of Khel Kumari somehow opened the door with the help of Sabbal and found that Khel Kumari committed suicide by hanging and that the applicant had fled from there.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 10/10/2020, charge sheet has already been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, there is no any specific allegation against the applicant for abetting the deceased to commit suicide, as per prosecution case the applicant and the deceased were in the same room and when the deceased was found hanging the applicant was not there, the detention period of the applicant who is 22 years old boy, charge sheet has already been filed and the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 1,00,000/-** with **two** sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. he 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 from disclosing such fact to the Court,
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant