

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 854 of 2021

- Suresh Chauhan, S/o Santram Chauhan, Aged About 34 Years, R/o Village Gahrimuda, Thana Nagarda, District- Janjgir Champa, Chhattisgarh. **---- Applicant**

Versus

- The State of Chhattisgarh, Through: Thana Urga, District Korba, Chhattisgarh. **---- Non-Applicant**

For Applicant	:	Shri Samir Singh, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12.03.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 03.12.2020 in connection with Crime No.40/2020, at Police Station- Urga, District- Korba (C.G.) for the offence punishable under Section 306/34 of I.P.C.
2. The allegation against the present applicant is that he alongwith other co-accused person assaulted the deceased namely Ganpat Chauhan, who is brother in law in their relation, as a result of which, the deceased committed suicide by hanging, during the course of investigation one suicide note was recovered on the spot, on suicide note names of the present applicant and co-accused are mentioned.
3. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, he further submits that no injury found on the body of the deceased, earlier the deceased had not been lodged any report of assault against the present applicant, handwriting expert has not expressed any

definite opinion regarding suicide note, charge-sheet has already been filed, the applicant is in jail since 03.12.2020, the applicant/accused has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the applicant, who is 34 years old, the fact that no body injury found on the body of the deceased, no previous report of assault was lodged by the deceased against the present applicant, the handwriting expert could not expressed definite opinion regarding suicide note, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tempering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said

Court till disposal of the trial.

(d) 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 Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim