

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 199 of 2021**

1. Punaram Bhardwaj, S/o Shyamuram Bhardwaj, Aged About 41 Years, R/o Mohgaon, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.
2. Subedas Ravte, S/o Chhagan Lal Ravte, Aged About 45 Years, R/o Mohgaon, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.
3. Punuram Sevta, S/o Chhagan Lal Sevta, Aged About 35 Years, R/o Mohgaon, Police Station Dongargaon, District- Rajnandgaon, Chhattisgarh. **---- Appellants**

**Versus**

- The State of Chhattisgarh, Through - The Police Station Dongargaon, Civil and Revenue District Rajnandgaon Chhattisgarh. **---- Respondent**

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| For Appellants       | : | Shri Punit Ruparel, Advocate |
| For Respondent/State | : | Shri Dinesh Tiwari, Dy.G.A.  |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Judgment on Board**

**26.03.2021**

1. This appeal by the accused/appellants under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 27/01/2021 passed by the Special Judge (Atrocity), Rajnandgaon (C.G.) in Crime No. 281/2020 refusing to allow their regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 3 (2) (V) k of SC/ST Act and Section 305, 34 of IPC, registered at Police Station- Dongargarh, District- Rajnandgaon (C.G.). The appellants are in jail since 01/12/2020.
2. Prosecution case in brief is that on 01/11/2020, the present

appellants persons having common intention, assaulted the deceased Umesh Korram who was 16 years old, in public place for a dispute regarding mobile call from the deceased to the daughter of the appellant-Punaram. Thereafter, in the night intervening 01-02/11/2020 the deceased went outside his home and committed suicide by hanging.

3. Learned counsel for the appellant submits that the allegations against the appellants are false and fabricated, they are falsely implicated in the case. Counsel for the appellants further submits that ingredients of the Section 107 of IPC are not attracted in this case. The accused persons have not instigated the deceased. As per the Post Mortem report no injury was found on the body of the deceased, nothing was stated against the present appellants that they instigated the deceased to commit suicide. The appellants/accused are in jail since 01/12/2020, they have no criminal antecedents, there is no likelihood of the appellants tampering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that prima-facie case is made out against the appellants because they committed *marpit* with the deceased in public place which instigated the deceased to committed suicide out of compunction. However, the appellants have no criminal antecedents.
5. Complainant- Tarjan Korram is present in person and raised objection to grant of bail to the present appellants.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, as per post-mortem report no injury was found on the body of the deceased, no one made specific allegation against the appellants except allegation of *marpit*, during investigation call

details record was seized, detention period of the appellants and the fact that the appellants have no criminal antecedents, there is no likelihood of the appellants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, without commenting anything on merits of the case, the appeal is allowed.

7. It is directed that in the event of each of the appellants 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, they shall be released on bail on following conditions:-

- (a) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the appellants 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 appellants involving themselves in similar offence in future.

**Sd/-**

**(Gautam Chourdiya)  
Judge**