

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 397 of 2021

- Akash Sharma S/o Mahaveer Sharma Aged About 35 Years R/o Madhya Nagri, Bazar Mohalla, Katghora, Tahsil Katghora, District Korba Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Katghora, District Korba Chhattisgarh. **---- Respondent**

For Applicant	–	Mr. Goutam Ketarpal, Advocate
For State	-	Mrs. Astha Shukla, P.L.
For Objector	-	Mr. Aman Upadhyay, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.07.2021

1. Apprehending arrest in connection with Crime No. 52/2021 registered in Police Station Katghora Distt. Korba (C.G.) for offence punishable under Section 306, 34 of Indian Penal Code, the applicant has preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail.
2. As per the prosecution case, one Balvinder Singh committed suicide on 22.01.2021 by hanging himself in the house. At the place of hanging, a suicide note was found and in the suicide note, the responsible persons were named as Sanjay Yadav, Purnima Yadav, Yashoda Yadav and the present applicant Akash Sharma. The background of the facts are Sanjay Yadav and others were the tenant of late Balvinder Singh and when the rent was demanded from them, some dispute arose and the present applicant thereafter intervened and gave the political patronage.
3. Learned counsel for the applicant submits that there is no allegation of abatement against the present applicant. He has falsely been implicated in this case. If any dispute exists between the landlord and the tenant then in such case,

the applicant cannot be held liable to have abated, therefore he may be enlarged on bail.

4. Learned State counsel and learned counsel for the objector oppose the anticipatory bail application. Learned State counsel submits that including the present case, six other cases were registered under the different Sections of IPC and two cases under Sections 151/107, 116(3) & 110 of Cr.P.C. were registered against the present applicant and his name has been entered into the Gunda list. He refers to Annexure O/3 dated 27.02.2021 and further submits that the applicant may influence the witness therefore bail may not be granted to him.

5. Perused the documents. In the suicide note, the applicant have been named for cause to commit suicide and apart from that the allegation the chances that the applicant may influence the witness can be assumed as eight cases are to the credit of the applicant. Considering the facts, it is not a fit case where the bail under Section 438 of Cr.P.C. can be granted to the applicant.

6. Accordingly, the bail application under Section 438 of Cr.P.C. stands dismissed.

Sd/-
(Goutam Bhaduri)
Judge