

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2012 of 2021

Aadhram Ratre, S/o Late Moolchand Ratre, Aged About 52 Years, R/o Chandrakhuri, P.S. Sargaon, District- Mungeli (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through SHO of Police Station Sargaon, District- Mungeli (C.G.)

--- Respondent

For Applicant : Mr. Pallav Mishra, Advocate.

For State/ Respondent : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

24/05/2021

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 08.02.2021 in connection with Crime No. 24/2021, registered at Police Station- Sargaon, District- Mungeli (C.G.) for the offence punishable under Section 306 of I.P.C.
2. Case of the prosecution in brief is that the applicant had given loan to the deceased namely Pramod Verma, who was not returning the loan amount to the applicant and due to pressure tactic adopted by the applicant for returning of his amount, the deceased committed suicide and thus, the offence under Section 306 of I.P.C. has been registered against the applicant.

3. Learned counsel for the applicant submits that there is delay in lodging the FIR. Subsequent to administration of poison and prior to death of the deceased, there was no complaint made by family member of the deceased against the present applicant. The deceased was hospitalized for four days, but the prosecution did not obtain statement of relatives of the deceased. It is further contended that demanding own money cannot be a reason for committing suicide. The charge-sheet has already been filed and the offence is triable by Sessions Court, which will take some time to conclude, hence, it is prayed that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear allegation against the applicant regarding commission of offence. Hence, the application for grant of bail may be rejected.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considered the facts and circumstances of the case. From perusal of the case diary and the statement of the witnesses recorded by police, it is not reflected that the applicant had intention to aid or to instigate or to abet the deceased to commit suicide. Further, the applicant is in jail since 08.02.2021, final report has already been submitted, the trial is pending for conclusion, which will take some time, I am of the opinion that it is a fit case to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that in the event of applicant executing personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- to 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.
 - (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.

Certified copy, as per rules.

Sd/-
(Narendra Kumar Vyas)
Vacation Judge