

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 2124 of 2021

- Sunil Kumar Singh, S/o Ramshankar Yadav, Aged About 38 Years, R/o Adeshwar Academy, Halba Kachora, Jagdalpur, District- Bastar, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Kotwali, Jagdalpur, District- Bastar, Chhattisgarh.

---- Non-Applicant

For Applicant	: Mr. T.K. Jha, Advocate
For Non-Applicant/State	: Dr.(Ms.) Veena Nair, Dy.A.G.
For Objector	: Mr. K.K. Pandey, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24.06.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 01.03.2021 in connection with Crime No.35/2021 registered at Police Station- Kotwali, Jagdalpur, District- Bastar (C.G.) under Section 306/34 of IPC.
- 2) Case of the prosecution, in brief, is that deceased D. John Prashant aged about – 14 years was living in Boys Hostel- Aadeshvar Academy Boys Hostel, Halba Kachora, Jagdalpur, studying in class-9th. The present applicant Sunil Kumar Singh alongwith co-accused used to humiliate, beat and scold the deceased for not completing his notes/home work and other trivial issues. As a result of this, on 25.07.2019 the deceased committed suicide by hanging in the hostel.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further

submits that the applicant is young offender of 38 years and he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant is teacher by profession, the deceased was reported to be weak in Hindi subject and used to create nuisance in the class that's why teachers made complaint to the applicant who is warden and he used to rebuke him many times. Mother of the deceased used to visit hostel frequently to meet the deceased, FIR lodged only on the basis of pressure of mother of the deceased, there is no evidence regarding commission of abetment to the deceased on the part of the applicant, the applicant has been arrested on 01.03.2021 and trial is likely to take some time for its final disposal, therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the present applicant alongwith other co-accused person used to beat with scale or by hands and scold the deceased in front of students for non completion of class activities or any minor mistakes of him, statements of the students were recorded which prove the guilt of the applicant, as a result of which, the deceased committed suicide by hanging, however, she submits that the applicant has no criminal antecedents.
- 5) Learned counsel for the objector vehemently objected to submission made on behalf of the applicant and prayer for grant of bail to the applicant and submits that proper investigation was not carried out by the investigating agency.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation, made against the applicant, charge-sheet has been filed, statements of the students and mother of the deceased recorded during investigation, mother of the deceased used to visit hostel most probably everyday to meet the deceased but no complaint made

by the deceased regarding act of the teachers, the detention period of the applicant, who is 38 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.

7) It is directed that in the event of the 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 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) he shall not involve himself in any offence of similar nature in future.

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