

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 585 of 2021**

- Nohar Singh Dhruv aged about 38 years S/o Ram Ratan Dhruv, R/o Gram Davbodh, Tehsil Simga, Thana Bhatapara Gramin, District Baloda Bazaar – Bhatapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through Police Station : Bhatapara Gramin, Bhatapara, District Baloda Bazaar-Bhatapara, Chhattisgarh (C.G.)

---- State/Non-Applicant

And**M.Cr.C.(A) No. 586 of 2021**

1. Sukhnandan Varma aged about 45 years S/o Kaliram Varma
2. Dhanau Ram aged about 52 years S/o Shri Tularam Dhruv
Both Resident of Gram Davbod, Tehsil Simga, Thana Bhatapara Gramin, Bhatapara, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station : Bhatapara Gramin, Baloda Bazaar-Bhatapara, Chhattisgarh (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Pranjal Agrawal, Advocate in both the applications
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate in both the applications

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****18.06.2021**

1. The application is heard through Video Conferencing.
2. Bail application (M.Cr.C.(A) No. 585/2021) has already been admitted for hearing.
3. Heard on bail application (M.Cr.C.(A) No. 586/2021):
4. Admit.
5. Both the above first bail applications under Section 438 of Cr.P.C. preferred by the respective applicants. The applicants apprehend their arrest arise out of the same Crime No. 112/2021, registered at Police Station Bhatapara (Gramin), District Baloda Bazaar-Bhatapara (C.G.) for offences punishable under Section 306 read with Section 34 of IPC, they are being disposed of by this common order.
6. Prosecution case in brief is that on 28.03.2021, F.I.R. was lodged by father

of Pradeep Kumar Dhruv (deceased) in Police Station Bhatapara Gramin against the present applicants stating that some dispute arose between the deceased and Rajendra Dhruv due to which a meeting was held in their village on 12.09.2020. In the said meeting, the deceased was held guilty for the same and all the applicants imposed a sum of Rs.10,000/- fine upon the deceased directing him to pay the fine amount within one or two days. Despite several requests by the applicants, the deceased did not pay the fine amount and in between 30.09.2020 at 12:30 am to 01.10.2020, the deceased committed suicide by hanging himself in his house. The allegation against the applicants is that they threatened the deceased to pay fine amount, therefore, the deceased committed suicide by hanging himself.

7. Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in this case. He submits that there are no specific allegations made against the applicants that they abetted the deceased to commit suicide. He submits that the deceased has broken the mobile of Rajendra Dhruv, on which a meeting was held in the village and in the said meeting, the deceased was held guilty for the same and a fine amount of Rs.10,000/- was imposed upon the deceased by the applicants in the said meeting. He also submits that if the applicants are granted anticipatory bail, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and due to covid-19 situation the trial of the case is likely to take some time for its final disposal. Therefore, the applicants be released on anticipatory bail by this Court.
8. On the other hand, learned counsel for the State opposes the bail applications.
9. I have heard learned counsel for the parties.
10. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that the applicants resolved the

dispute between the deceased and Rajendra Dhruv and decided that the deceased would have to pay fine amount, further the village meeting was held on 12.09.2020, the deceased committed suicide in the mid night of 30.09.2020 – 01.10.2020 and the F.I.R. was lodged on 28.03.2021, that the applicants are respectable persons of the village, they have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and looking to the Covid-19 situation, conclusion of the trial may take some time, without commenting anything on merits of the case, I am inclined to release them on anticipatory bail.

11. Accordingly, the bail applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the Arresting Officer subject to the following terms and 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/her from disclosing such fact to the Court or to the Investigating Officer.
- (b) they shall not act in any manner which will be prejudicial to fair investigation and expeditious trial, and
- (c) they shall make themselves available for interrogation by a police officer as and when required.
- (d) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

12. In the result, bail applications i.e. M.Cr.C.(A) No. 585/2021 & M.Cr.C.(A) No. 586/2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge