

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 773 of 2021**

- Bhuneshwar Verma S/o Videshi Verma aged about 43 years, /o Gram Kurmi Basa, Thana- Deobhog, District- Gariyaband Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station Deobhog, District Gariyaband, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Awadh Tripathi, Adv.
For Non-applicant- State	: Mr. B.P. Banjare, Dy. G.A.

*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****09/08/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 119/2021 registered at Police Station Deobhog District- Gariyaband (C.G.) for the offence punishable under Sections 306, 34 of IPC.
2. Case of the prosecution, in brief– on 29.04.2021, at about 09:00 p.m., eye witness Murlibai heard some dispute between some persons near the house of Dayashankar Verma. When she reached near the spot, she saw that the present applicant along with Champabai and Narobai were assaulting deceased Ghanshyam Verma by means of slippers. Thereafter, present applicant along with two co-accused persons Champabai and Narobai went to their house and deceased Ghanshyam went to mango grove field and on the next day his body was found hanging with the Babool tree. During the course of investigation, one suicidal note was recovered from the pocket of deceased Ghanshyam mentioning that he is committing suicide because of assault by the applicant along with Champabai and Narobai. On account of above, instant crime was

registered against the present applicant and two other co-accused persons.

3. Mr. Awadh Tripathi, learned counsel for the applicant would submit that the dispute raised on account of relationship of deceased Ghanshyam with Narobai. He submits that deceased Ghanshyam was having illicit relationship with Narobai for a long time but thereafter she developed relationship with present applicant which was objected by deceased Ghanshyam and this was cause of dispute. He also submits that the cause of dispute and assault by slippers by the present applicant and two other co-accused has been stated by Lalit Verma S/o Chandradhar Verma and another Lalit Verma S/o Budhram Verma in their statement recorded under Section 161 of CrPC, but none of the witnesses have made any statement with regard to abetting deceased for commission of suicide, not stated anything that the applicant was continuously harassing him for long time, hence, the offence under Section 306 IPC would not be made out.
4. On the other hand, Mr. B.P. Banjare, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that there are three eye witnesses to the incident namely Murlibai, Dayashankar and Lalit Verma who went to the place where from some noise of quarrel was coming. They saw applicant along with other co-accused persons were assaulting deceased by means of slippers and thereafter, the applicant and two other co-accused persons went to their house. However, upon putting specific query with regard to cause of dispute and assault to Ghanshyam, he submits that there is nothing mentioned in the statement of Murlibai about instigation or abatement. He submits that in the statement of Lalit Verma s/o Chandradhar Verma and Lalit Verma s/o Budhram Verma, it has come that the deceased was having illicit relationship with Narobai earlier.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation levelled against the present applicant, the fact that none of the witnesses have stated that apart from the assault by means of slippers the present applicant along with co-accused persons have made any instigation or abetment to Ghanshyam for commission of suicide, without

commenting anything on merits of the case, I am inclined to allow this bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (119/2021), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
- (ii) that the applicant 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 facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge