

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4662 of 2021

- Sanghratna Dongre @ Sanghratna, S/o Harish Dongre, Aged About 25 Years, R/o Lodhipara, Prem Nagar, Gudhyari, P. S. Gudhyari, District- Raipur, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officers P. S. Gudhyari, District- Raipur, Chhattisgarh. ---- **Non-applicant**

MCRC No. 4924 of 2021

- Rahul Gedam, S/o Shri Krishna Kumar Gedam, Aged About 22 Years, R/o Prem Nagar, Near Rahul Kirana Stores, P. S. Gudhyari, District- Raipur, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, P. S. Gudhyari, District-Raipur Chhattisgarh. ---- **Non-Applicant**

For Applicants : Mr. F.S. Khare and Mr. Devershi
Thakur, Advocates

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A. G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

25.08.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants have preferred these Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are arrested on 17.06.2021 in connection with Crime No. 140/2021 registered at Police Station- Gudhyari, District- Raipur (C.G.) for the offence punishable under Sectionss 306, 34 of IPC.
- 3) Case of the prosecution, in brief, is that the deceased had taken

loan from Loan & Finance companies. The present applicants and co-accused Vickki @ Ashok Meshra had taken money from the deceased on assurance to return the same after some months, but the money which was not returned to the deceased. As the deceased was facing economic crisis and living in depression, he committed suicide by consuming poison and one suicide note was recovered by the police.

- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the deceased committed suicide due to economic crisis. As per statement of the parents of the deceased and suicide note there is no specific allegation made against the applicants to prove their guilt. The ingredients of the offence are not made out. Charge-sheet has already been filed, the applicants have no criminal antecedents, there is no likelihood of the their tampering with the prosecution evidence or absconding. The applicants are in jail since 17.06.2021 and due to Covid-19 pandemic, trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-applicant/State vehemently opposes the bail applications.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicants, looking to the statements of the witnesses and as per suicide note no specific allegations have been made against the present applicants, main allegation is made against co-accused Vikki @ Ashok Meshram as per Post-Mortem report there is no injury found on the body of the deceased, charge-sheet has already been filed, the detention period of the applicants, who are 22 & 25 years old and the fact that the applicants 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

due to Covid-19 pandemic conclusion of trial may take some time, the applications are allowed.

7) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs. 2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following 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 from disclosing such fact to the Court,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim