

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6732 of 2021

- Ashok Meshram @ Vickky, S/o Late Suresh Meshram, aged about 30 years, R/o – House No. 8/215, Behind Janta Quarter, Gudhiyari, Police Station – Gudhiyari, District – Raipur (C.G.) (As per Charge Sheet)

---- Applicant

Versus

- State of Chhattisgarh through the Station House Officer, Police Station – Gudhiyari, District – Raipur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Shivendu Pandya, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

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

29.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 17.06.2021 in connection with Crime No. 140/2021 registered in Police Station Gudhiyari, District Raipur (C.G.), for the offence punishable under Section 306 read with Section 34 of IPC.
2. Case of the prosecution, in brief, is that the deceased had taken loan from Loan & Finance Companies. The present applicant and co-accused namely Sanghratna Dongre @ Sanghratna & Rahul Gedam 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.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He 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 present applicant to prove his guilt. The ingredients of the offence are not

made out. Charge-sheet has already been filed, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 17.06.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court. He also submits that co-accused namely Sanghratna Dongre @ Sanghratna & Rahul Gedam have already been granted regular bail by this Court vide order dated 25.08.2021 passed in M.Cr.C. No. 4662 of 2021.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application, however, he submits that the present applicant has no criminal antecedents.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature of allegation made against the present applicant that the deceased had taken loan from the Finance Company in his name and had given the said amount to the present applicant and other co-accused persons, when the deceased demanded the money from the present applicant and co-accused persons, they have not returned the amount to the deceased, therefore, the deceased committed suicide; further considering the statements of the witnesses and as per postmortem report there is no injury found on the body of the deceased, the detention period of the applicant who is 30 years old; 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, charge-sheet has already been filed and conclusion of trial may take some time, further that the co-accused persons have already been granted regular bail by this Court, without commenting anything on merits of the case, the bail application is allowed.
6. It is directed that in the event of applicant 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, 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/her 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 not involve himself in any offence of similar nature in future.

7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

vatti