

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6904 of 2021

- Rajesh Kumar Gupta, S/o. Ramnarayan Gupta, Aged about 52 years, R/o. Golden Oak Apartment, Green Garden Colony, Mangla, P.S. - Civil Lines, Tehsil and District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through P.S. Civil Lines, Bilaspur, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Kishore Bhaduri, Senior Advocate with Shri Pankaj Singh, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate
For Objector	:	Shri Chandrashekhar Kaushik, Advocate

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

27.10.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 23.07.2021 in connection with Crime No. 733/2021 registered in Police Station- Civil Lines, District Bilaspur (CG) for the offence punishable under Section 306 of IPC.
2. As per prosecution story, an information was received at Police Station Civil Lines Bilaspur on 24.06.2021 stating that one Ku. Khushbu Vishwakarma (deceased) has committed suicide by jumping from the Golden Oak Apartment. On receipt of such information, Dehati Morgue was conducted and Panchnama was prepared. The said information was given by one Vivek Vishwakarma (brother of the deceased) stating that his sister has committed suicide by jumping from Golden Oak Apartment and her head is bleeding heavily. Vivek Vishwakarma also stated that he received such information on phone from the present applicant. It is the case of prosecution that the

applicant used to unnecessarily harass the deceased, and on the date of incident, the deceased went to the shop of the applicant wherein the applicant abused the deceased and further defamed her, as an off-shoot of which the deceased committed suicide.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He submits that there is no evidence against the applicant that he abetted the deceased to commit suicide. He also submits that the applicant is in jail since 23.07.2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, he be released on bail.
4. On the other hand, learned counsel for the State as well as learned counsel for the Objector oppose the bail application.
5. Heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, the fact that the deceased was working in the shop of the applicant for the last 6-7 years, the applicant terminated the service of the deceased prior to March, 2020, thereafter, on 24.06.2021 she committed suicide by jumping from Golden Oak Apartment where the applicant resides, but there is no specific allegation against the present applicant that he abetted the deceased to commit suicide or any dispute with the deceased, the detention period of the applicant who is 52 years old, there is no apprehension of the applicant tampering with the evidence or absconding, charge-sheet has already been filed and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, the bail application is allowed.
7. It is directed that in the event of 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/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.
8. 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