

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8270 of 2020**

- Manoj Dewangan S/o Budhram Aged About 39 Years R/o Aazad Chowk Patan, Police Station Patan, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Police Station Patan, District Durg Chhattisgarh

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For State	:	Smt. Fouzia Mirza, Addl. Adv. Gen. for the State.
For Objector	:	Shri Avinash Chand Sahu and Shri Kishan Kumar Gendle, Advocates

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/03/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.146/2020 registered at Police Station – Patan, District – Durg (C.G.) for alleged commission of offences under Section 306 of IPC.
2. Prosecution case is that Pritam Dewangan committed suicide and in the suicidal note, he has stated regarding he being harassed by his brother because the deceased entered into love marriage against the wishes of the family which was not acceptable to the family and the present applicant. The present applicant resisted mutation prepared in favour of the deceased and time and again, he was scolding the deceased for having solemnized marriage of his own choice and said that he should die.
3. Learned counsel for the applicant would submit that even if the entire contents of the suicidal note and other statements recorded during investigation are taken on their face value, it only shows that there was dispute between the brothers and after

love marriage, the family did not accept and therefore, the deceased had to start living separately with his wife and earn his own livelihood and there was dispute against mutation in the name of the deceased. It is further submitted that this dispute, by itself, without anything more, cannot constitute a *prima facie* case of abetment as defined under Section 107 of IPC. It is submitted that investigation is complete, charge sheet has been filed, the applicant is in jail since 20/10/2020 and the applicant is not likely to abscond or tamper with the prosecution witnesses, therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that in the suicidal note, the deceased has stated regarding the dispute between him and his brother and the deceased was harassed by the present applicant and it was too vocal that time and again he used to taunt and tease the deceased of he having solemnized marriage of his own choice and he was also not agreeing for mutation. Since this continued for a long time, it constituted cruelty of such a degree and nature that this would constitute abetment of suicide.

5. Taking into consideration the submission of learned counsel for the parties, particularly the contents of the suicidal note, background of dispute between the applicant and his brother and that the deceased committed suicide stating various reasons other than the dispute with his brother, investigation is complete, charge sheet has been filed and the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge