

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.8000 of 2020

1. Ramnath S/o Shri Sukhan Kodaku Aged About 50 Years R/o Girwarganj, Police Station - Chalgali, District - Balrampur - Ramanujganj Chhattisgarh.,
2. Foolsai S/o Shri Dasrath Kodaku Aged About 55 Years R/o Girwarganj, Police Station - Chalgali, District - Balrampur - Ramanujganj Chhattisgarh.,
3. Anil Kodaku, S/o Shri Mangla Kodaku Aged About 37 Years R/o Girwarganj, Police Station - Chalgali, District - Balrampur - Ramanujganj Chhattisgarh.,
-----**Applicants**

Versus

State Of Chhattisgarh Through Police Station Incharge Police Station - Chalgali, District - Balrampur - Ramanujganj Chhattisgarh ----- **Respondent**

And

MCRC No. 8017 of 2020

1. Ramchalitar S/o Shri Sukhan Kodaku Aged About 50 Years R/o Girwarganj, P. S. Chalgali, District Balrampur-Ramanujganj Chhattisgarh
2. Ramdeo Kodaku S/o Shri Ghurbigan Aged About 37 Years R/o Girwarganj, P. S. Chalgali, District Balrampur-Ramanujganj C.G. ----- **Applicants**

Versus

State Of Chhattisgarh Through Police Station Incharge Police Station - Chalgali, District - Balrampur - Ramanujganj Chhattisgarh ----- **Respondent**

For Applicants	:	Ms. Soniya Kuldeep, Advocate
For Respondent/State	:	Mr. Lalit Jangde, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/02/2021

Heard.

1. The applicants have been arrested in connection with Crime No.88 of 2020 registered at Police Station- Chalgali, District Balrampur Ramanujganj (CG) for the alleged commission of offence under Section 306, 384, 34 of IPC.
2. Both the bail applications are being disposed off by this common order as they arise out of the same crime number.

3. Prosecution case is that the deceased was alleged to have indulged in harassing a girl whereas according to deceased, he was having love affair with that girl. Proceedings were drawn in Panchayat. A girl made a statement against the deceased saying that she was not having an affair but she was being harassed. The panchayat people including panchas/present applicants imposed a fine of Rs.4000/- on the deceased. The prosecution case is that because of this humiliation and extortion, deceased committed suicide and thus, it is alleged that applicants by extorting Rs.4000/- by imposing fine amount abetted commission of suicide.
4. The submission of learned counsel for the applicants is that even if the entire case of the prosecution is taken as it is, no prima facie case of commission of offence under Section 306 of IPC is made out because the applicants are panchas and as per the village practice they imposed fine of Rs.4000/- in village panchayat against those members of the village, who are found committing something wrong. Therefore, even if it is accepted for the argument that the applicants had imposed fine, that by itself, without anything more, would not make out a case of abetment of commission of offence. It is submitted that investigation is complete, charge-sheet has been filed and that the applicants are in jail since 24.08.2020, therefore, at this stage, applicants may be granted bail.
5. On the other hand, learned counsel for the State opposes the prayer and submits that even though the applicants are panchas, they had no authority to extort Rs.4000/- from the deceased on the ground that he was harassing a girl. He would next submit that in the panchayat meeting, these very applicants are alleged to have been threatened the deceased and extorted Rs.4000 from the deceased in the name of imposition of fine. This act of extortion and threat on the deceased by the present applicant let the deceased to commit suicide on the very next day. Therefore, proximity of the incident of extortion and commission of suicide makes a prima facie case of abetment of suicide also.
6. On prima facie consideration, the entire allegation as far as commission of offence under Section 306 of IPC is concerned, on the basis of incident of recovery of so called fine of Rs.4000 from the deceased by the applicants in the panchayat meeting, in their respective capacity of panchas of village, irrespective of whether they had authority to recover such a fine from the

deceased, there is considerable force in the submission of learned counsel for the applicants that only recovery, may not be a case of abetment. The other offence against the applicant is of extortion. Investigation is complete, charge-sheet has been filed, therefore taking into consideration the totality of the circumstances, the applicants are entitled to release on bail. Therefore, the application is allowed.

7. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:

- (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge