

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9137 of 2020

- Ashok Rathore S/o Vishnu Rathore Aged About 56 Years R/o Ward No. 15, Police Station Civil Lines, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Nagarda, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

--Non-Applicant

For Applicant	:	Shri Shailendra Dubey, Advocate
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

21.01.2021

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 18.11.2020 in connection with Crime No.118/2020, registered at Police Station-Nagarda, District-Janjgir-Champa(C.G.) for the offence punishable under Sections 306, 34 of the IPC.
3. Case of the prosecution is that the present applicant along with two other co-accused persons kept the ATM card, pass-book and cheque-book of Jiwan Lal Kavar(deceased) forcefully with him and when the deceased demanded it, the applicant refused to give and threatened to kill his family members. Further, the applicant bought a vehicle and made the deceased guarantor and deceased received a notice for payment of the loan installment, due to which, Jiwan Lal Kavar consumed poison on 17.8.2020 and during the course of treatment, he died on 28.8.2020.

4. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that the applicant and the deceased were friends and they were working together as Teacher in Govt. School Kharwani. He submits that the applicant has never taken ATM Card, pass-book and cheque-book of the deceased and never threatened him. Death of the deceased has occurred on account of consuming poison, but as per the FSL report, no poison was found in the viscera of the deceased. He submits that charge sheet has been filed and no offence is made out against the applicant for commission of threat or torture or abetment to commit suicide therefore, at this stage, he may be granted bail.
5. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that the other co-accused persons are absconding.
6. Having considered the submission made by learned counsel for the parties and the fact that it is not disputed by both the counsel that no poisonous substance was found in the viscera of the deceased; the applicant and the deceased were working together; charge sheet has been filed and looking to the fact that when the deceased obtained notice from the Agency for payment of money as a guarantor, the deceased had committed suicide, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) 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 from disclosing such fact to the Court.
 - (b) he shall not act in any manner which will be prejudicial to

fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge

sunita