

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9448 of 2020

1. Dwarika Prasad S/o Tilakdhari Aged About 56 Years
2. Babulal S/o Tilakdhari Aged About 50 Years
3. Ramnaresh S/o Tilakdhari Aged About 44 Years
4. Sanjay Kanojiya S/o Late Shyam Sundar Kanojiya Aged About 40 Years

All are the R/o Village Sayahi, Police Station Basantpur, District Balrampur -Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Basantpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

--Non-Applicant

For Applicants	: Shri Hemant Gupta, Advocate
For Non-Applicant/State	: Shri B.L. Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

21.01.2021

- 1) Heard.
- 2) The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 27.11.2020 in connection with Crime No.192/2020, registered at Police Station- Basantpur, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 306 r/w 34 of the IPC.
- 3) Case of the prosecution is that on 14.8.2020 one Mahendra Netam had committed suicide by consuming insecticide on account of the dispute of grazing cattle in his field by the applicants.
- 4) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have

not committed any offence. He further submits on 6.8.2020, a quarrel has taken place between the applicants and father of Mahendra Netam, namely- Amardas for grazing cattle in the field and thereafter, on 14.8.2020, the deceased- Mahendra Netam committed suicide by consuming insecticide. He submits that there is no allegation against the applicants regarding abetment to commit suicide and in between 6.8.2020 to 14.8.2020, no dispute arose between the parties, therefore, no case is made out against applicants. He submits that as the applicants have been arrested on 27.11.2020 and trial is likely to take some time for its final disposal, therefore, the applicants be released on bail by this Court.

- 5) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. He submits that it is true that the incident had taken place on 6.8.2020 but due to depression, the deceased had committed suicide. He further submits that against these applicants, already some criminal cases were registered in the year 2002, therefore, they may not be granted bail.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the statement of father of the deceased and other witnesses that a quarrel for grazing cattle had taken place on 6.8.2020 and thereafter, no dispute had arisen between the applicants and father of the deceased in between 6.8.2020 to 14.8.2020 and the deceased had committed suicide on 14.8.2020; charge sheet has been filed and further considering that the applicants are residents of Balrampur District and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed.
- 7) It is directed that in the event of the each of the applicants 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, they shall be released on bail, on the following

conditions:-

(a) they 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 them from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

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

(d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Sd/

(Gautam Chourdiya)
Judge

sunita