

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 857 of 2015

1. Suresh Dhirani S/o Late Shital Das Dhirani Aged About 51 Years R/o 502, City Paradise, Khanij Nagar, Raipur, District - Raipur (Chhattisgarh).
2. Sunil Dhirani S/o Late Shital Das Dhirani Aged About 48 Years R/o 24, Ravigram, Lane No.02, Telibandha, Raipur, District - Raipur (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh Through : Police Station Vidhansabha, Raipur, District - Raipur (Chhattisgarh).

---- Respondent

For Applicants	:	Shri V.C. Ottalwar, Senior Advocate with Shri Maneesh Nigam, Advocate.
For Respondent/State	:	Shri Satish Gupta, Government Advocate.
For Objector	:	Shri D.K. Gwalre, Advocate

Order On Board

11/09/2015

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.173/2015 registered at Police Station- Vidhansabha, District-Raipur (C.G.) for alleged commission of offence under Section 306 of IPC.
2. Case of the prosecution is that the applicants and the deceased were partners in the business. It is alleged that the applicants dishonestly withheld the share of profit and also induced the deceased to get his property mortgaged towards business requirements. Further allegation is that despite repeated demands and insistence of the deceased, his share in the business profit was not given, his property was not released from mortgage and therefore, finding himself in serious financial stress, deceased committed suicide.
3. Learned counsel for the applicants submits that the allegations which have been leveled against the applicants which are mostly contained in the suicidal note of the deceased only show that there existed some kind of dispute amongst the partners in the business, which included the applicants and the deceased. Even if it is accepted for the argument sake

that the deceased had a feeling that he was not given his due share, out of the business profit and receipts, that by itself, would not prima facie make out a case of abetment as defined under Section 107 IPC.

4. On the other hand, learned counsel for the State and Objector oppose prayer and submits that the main operative reason for the deceased to commit suicide was his poor financial condition which according to the deceased perception was occasioned due to dishonest act of the applicants in not giving deceased his due share in crores in the business profit. The deceased was exploited. The applicants earned more and more profit without giving his share which included deprivation of immovable property of the deceased. Therefore, this amounts to aiding and instigating.

5. The material on the basis of which the offence has been registered against the applicants are mainly suicidal note and the statements of the prosecution witnesses which revealed that the applicants and the deceased were partners in the business. The suicidal note of the deceased shows that he had a serious grievance that his share in the business profit, was not given to him and the applicants herein retained maximum benefit of the business profits depriving him of his share and that the property of the deceased is also said to be mortgaged mischievously by the applicants. Therefore, considering these aspect of the matter and the material in my opinion, a case for grant of anticipatory bail is made out, accordingly, the application is allowed.

6. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, 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 arresting officer and the applicants shall abide by all the following terms and conditions-

- i. that they shall make themselves available for interrogation by a Police Officer as and when required;
- ii. that 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 facts to the Court or to any Police Officer.
- iii. that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. that they 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
J U D G E

