

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5294 of 2017

- Manoj Kumar Choubey S/o Late Hari Prasad Choubey, Aged About 50 Years, R/o Village Bhatagaon, Ward No.6, Police Station Purani Basti, District Raipur, Chhattisgarh.
- Ramayan Prasad Gupta S/o Late Shri Laxman Prasad Gupta, Aged About 42 Years, R/o Village Bhatagaon, Ward No.6, Police Station Purani Basti, District Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station Arjuni, District Dhamtari, Chhattisgarh.

---- Non-applicant

And

MCRC No. 5784 of 2017

- Manish Kumar Anand S/o Anand Kumar Nag, Aged About 32 Years, R/o Village Sivnaguda, post Markel, Police Station Nagarnar, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police of Police Station Arjuni, District Dhamtari, Chhattisgarh.

---- Non-applicant

For Applicant(s)– Shri Y.C.Sharma, Advocate (in MCRC No.5294/2017)
Shri Anil Gulati, Advocate (in MCRC No.5784/2017)
For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-10-2017

1. As both the MCRC arise out of the same crime number and incident, they are decided by this common order.
2. It is submitted on behalf of the applicants that these are their first bail application. it is submitted that deceased Doman Lal Sahu had taken a loan of Rs.20,00,000/- from the applicants and in security a sale deed was executed of the land owned by the deceased on 07-05-2015. After receiving the amount the deceased approached the co-accused Yashwant Shau and applicant Manish Kumar Anand and requested to assist him for obtaining loan from the bank.

Amount of Rs.16,50,000/- was deposited in the account of applicant Manish Kumar Anand who gave assurance to the deceased that he will get the loan sanctioned, subsequently, the loan could not be sanctioned. When the deceased asked for return of his money to the accused persons, the same was not returned and in the meanwhile, applicants Manoj Kumar Choubey and Ramayan Prasad Gupta started demanding the money advanced to him and threatened him that if the money is not paid, then they will take possession of the land in security and sell it to somebody else. Getting harassed because of this situation the deceased consumed some poisonous substance and committed suicide on 02-02-2017 leaving a suicidal note, on the basis of which the applicants have been arrested in connection with Crime No.95/2017 registered at P.S. Arjuni, District Dhamtari, C.G. for the offence under Section 306, 420, 120(B), 34 of the IPC and Section 6, 10 of Chhattisgarh Nichepakoke Hito ka Sarankshan Adhiniyam.

3. It is submitted that no case is made out against the applicants of abetting the deceased for suicide and that there is no case of cheating, conspiracy or defrauding the investors, it was a simple case of money lending and demanding money advanced to the deceased to repay the loan. Hence, it is submitted that the applicants are entitled for grant of bail.

4. Learned counsel for the State/non-applicant submits that the suicidal note clearly mentions that the applicants and co-accused persons were consistently harassing the deceased which led him to commit suicide. Hence, the offence of abetment is made out and therefore the applicants are not entitled for bail.

5. Heard learned counsel for the parties and perused the case diary.

6. Considering the submission and the contents of the case diary and the fact as submitted that the applicants are in jail since quite some time and the fact that no purpose would be served if the applicants are kept in detention

during period of whole trial, this Court is of the opinion that this is a fit case where the applicants are entitled to get bail.

7. Consequently, both the applications (MCRC No.5294/2017 and MCRC No.5784/2017) filed under Section 439 of the Cr.P.C. are hereby allowed. 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/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge