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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1088 of 2018

1. Jasbir Singh Bedi S/o Late Shri Balwant Singh, Aged About 64 Years, R/o Samta Colony P.S. Saraswati Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Mandir Hasod, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRCA No. 1091 of 2018

1. Manoj Singh Rajput S/o Late Shri Ramswaroop Singh Rajput Aged About 41 Years R/o Gram Pirda P.S. Vidhansabha Raipur District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mandir Hasaud Raipur District Raipur Chhattishgarh, District : Raipur, Chhattisgarh

---- Non-applicant

MCRCA No. 1098 of 2018

1. Bisey Singh S/o Late Ratan Singh, Aged About 63 Years, R/o Gram Pirda, Police Station Vidhansabha, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Hasod, Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-appellant

MCRCA No. 1123 of 2018

1. Topan Das S/o Shri Pohuram, Aged About 64 Years, R/o- Vishalnagar, P.S. Telibandha, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Mandir Hasod, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRCA No. 1129 of 2018

1. Amrit Singh Majju S/o Shri Hari Singh Majju, Aged About 47 Years, R/o Shyam Nagar, Police Station Telibandha, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mandir Hasod, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant –Shri Satish Chandra Verma, Advocate(in MCRCA No.1088/2018),
Shri Kashif Shakeel, Advocate (in MCRCA No.1091/2018),
Shri Maneesh Sharma, Advocate (in MCRCA No.1098/2018 and MCRCA No.1129/2018),
Shri Kshitij Sharma, Advocate (in MCRCA No.1123/2018),
For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.
Shri Prakash Tiwari and Shri C.R. Sahu, Advocates for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-09-2018

1. As these five MCRCA arise out of the same crime number, i.e. Crime No.43/2018, registered at Police Station Mandir Hasod, Raipur, District Raipur Chhattisgarh for the offence under Section 306 R/w 34 of the IPC, they are being decided by this common order.
2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for the applicants that the applicants in all these applications have been falsely implicated in this case. The deceased Vinay Nebhani committed suicide on 20-03-2015. The merge inquiry was kept pending and the FIR was lodged after passing of more than three years on 05-08-2018.

Learned counsel for applicant Jasbir Singh Bedi (applicant in MCRCA No.1088/2018) submits that this applicant had lent money to the deceased and had also received one cheque No.015983 from the complainant which was dishonoured by the bank. The applicant has filed a separate complaint under Section 138 of the Negotiable Instruments Act against the complainant for the said dishonour of the cheque, hence, the complainant has made use of this

opportunity to implicate the applicant in this case.

On behalf of applicant Manoj Singh Rajpur (applicant in MCRCA No.1091/2018), it is submitted that he has been implicated only on the ground that he allegedly had put pressure on the deceased to make repayment of the loan advanced to him. He himself had not lent any money to the deceased.

On behalf of applicant Bisey Singh (applicant in MCRCA No.1098/2018), it is submitted that just 10 days before the deceased committed suicide this applicant had lent a hand loan with term of repayment in one year, hence, there is no reason why he would abet the deceased to commit suicide.

On behalf of applicant Topan Das (applicant in MCRCA No.1123/2018), it is submitted that this applicant had made some purchase of land through the deceased who had acted as broker. The deceased had no reason to complain about non-receipt of the consideration of the sale as he was only a broker. Similarly, it is submitted on behalf of applicant Amrit Singh Majju (applicant in MCRCA No.1129/2018) that no case is made out against him.

Therefore, it submitted by learned counsel for the applicants that all these applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant/State opposes the applications submitting that the delay in lodging the FIR has occurred because of pendency of the merge inquiry and the time that was spent in receiving the report of the hand-writing expert with respect to the suicide note left by the deceased. According to the material present in the case diary, no case is made out for grant of anticipatory bail to any of the applicants.

5. Learned counsel for the objector submits that the complaint was filed promptly soon after death of the deceased, it was the police who had delayed in lodging the FIR in this case. The allegations made by the deceased in his suicide note is very clear that because of the harassment and torture given by the applicants he was compelled to commit suicide, hence, clearly a case is

made out of abetment to commit suicide against the applicants. Hence, none of the applicants is entitled for grant of anticipatory bail.

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

7. The case against the applicants is this, that the deceased committed suicide on 20-03-2015 and in the suicide note left by him he has made allegations against the applicants and others that he was involved in money transactions with the applicants and in the name of repaying the amount borrowed by him excess amount was recovered from him by the concerned money lenders. He has mentioned about some other transactions also in which he has suffered loss and made statement that as he is unable to cope with the circumstances created by the applicants, he is ending his life.

8. Considered on the entire material present in the case diary and also on the documents submitted along with the applications. It has appeared that the deceased was being pressurized to make repayment of the amount borrowed from the applicants and other persons, because of which he was feeling tortured and frustrated and has committed suicide in this case. Whether the act of the applicants in making demand of the amount lent amounts to abetment for commission of offence of suicide, would need detailed examination in trial, but for the present, I am of this opinion that all these applicants should be benefited with grant of anticipatory bail.

9. Consequently, all these anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating 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 him/her from disclosing such facts to the Court or to any police officer;
- (iii) that they 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge