

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1427 of 2018

1. Praveen Kumar Lunia S/o Late Shri Tansukhdas Lunia Aged About 61 Years R/o S.M.I.G.- 66, Padmanabhpur, Durg, Police Station- Pulgaon, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Smt. Nirmala Lunia W/o Shri Praveen Kumar Lunia Aged About 57 Years R/o S.M.I.G.- 66, Padmanabhpur, Durg, Police Station- Pulgaon, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through District- Magistrate, Durg Police Station- Pulgaon, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Surendra Singh, Sr. Advocate with Mr. A.S. Rajput, Advocate.
For Respondent	:	Mr. Avinash K. Mishra, PL.
For Objector	:	Mr. Praveen Dhurandhar, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

1/11/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.371/2018 registered at Police Station- Pulgaon, District – Durg(C.G.), for the offence punishable under Sections 306/34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. The fact is this, that on 24.11.2014 applicant No.2 had entered into an agreement with

deceased Anil Kumar Agrawal for sale of property and received advance of Rs.20,11,000/- against the price negotiated i.e. Rs.3.5 crores. The due date for registration of sale-deed was 31.3.2015. The deceased could not get the sale-deed registered on that date and requested for extension of time upto 31.5.2015 and therefore another agreement has been executed between the parties on 24.4.2015 extending the time upto 31.5.2015. The deceased again failed to get the sale deed registered. After about one year thereafter applicant No.2 sold the said property to a third person. It is submitted that deceased never approached the applicants for refund of advance amount paid by him and he directly filed complaint on 8.5.2017 before the police-station Kotwali, Durg on which the police did not take any action. Subsequent to which the deceased filed complaint before the concerned Court and during the pendency of said complaint he committed suicide on 31.5.2018 leaving a suicide note in which he has held the applicants responsible for his death. There is no evidence of abetment to commit suicide in the investigation. It is prayed that applicants be granted anticipatory bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that deceased had made all efforts to get the refund of amount from the applicants, but all in vain. Since the the deceased had become penniless, he committed suicide for which the applicants are responsible. Hence, the application be rejected.
4. Adopting the arguments advanced by learned counsel for the State, it has been submitted by learned counsel for objector, that deceased has clearly held in the suicide note that he became bankrupt because of

the applicants, hence, the applicants are not entitled to be released on anticipatory bail.

5. Heard both the parties and perused the case diary.
6. As per brief discussion of case made herein-above, the reason behind commission of suicide by the deceased appears to be his bankruptcy and that he could not succeed to get the refund of the money advanced to the applicants.
7. After considering on all the material present in the case diary, I am of this view that this is a fit case where applicants should be benefited with grant of anticipatory bail.
8. Accordingly, the anticipatory bail application of applicants is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha