

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 516 of 2019**

Harish Chandra Soni, S/o. Bhauram Soni, Aged About 52 Years, R/o. Jarhabhantha, Police Station Civil Line, Bilaspur, Tahsil and District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Its Station House In Charge, Police Station Kota District Bilaspur Chhattisgarh.

---- Respondent**M.CR.C.(A). No. 578 of 2019**

Vadir Khan, S/o. Wahid Khan, Aged About 42 Years, R/o. Ward No. 13, Karahiyapara, Ratanpur, District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Kota, District Bilaspur Chhattisgarh.

---- Respondent**AND****M.CR.C.(A). No. 561 of 2019**

Md. Anwar Ansari, S/o. Sher Md. Ansari, Aged About 38 Years, R/o. Village Pandrapathra, Belghana District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Kota District Bilaspur Chhattisgarh.

---- Respondent

For Applicants : Mr. Prafulla N. Bharat, Advocate
(in M.Cr.C.(A) No.578 & 561 of 2019)

For Applicant : Mr. Saurabh Sharma, Advocate
(in M.Cr.C.(A) No.516 of 2019)

For Respondent/State : Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board**

29/04/2019

1. All the above bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. Apprehending arrest in connection with Crime No.128/2019, registered at Police Station – Kota, District – Bilaspur (C.G.) for offence punishable under Section 306 of the Indian Penal Code and Section 3 (1) (r) (s) (u) (m) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicants have preferred these applications for grant of anticipatory bail.
3. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. It is a case in which the applicants in all three cases had financial transaction with the deceased Santosh Kumar and as the applicants were demanding for repayment, which is totally lawful, therefore, this act on their part can not be said to be abetment to commit suicide. The deceased Santosh Kumar has also not made any clear allegation in his suicide note that these applicants had abetted him to commit suicide. Therefore, it is prayed that the applicants be granted anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that in the suicide note name of all three applicants are mentioned as they were pressurizing him for repayment of loan i.e. why the

deceased was compelled to commit suicide. Hence, all the applications for grant of anticipatory bail be rejected.

5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The deceased Santosh Kumar committed suicide by hanging in the intervening night of 13-14/03/2019. In the suicide note recovered from the spot, it was found that deceased had to pay some dues to the applicants because of which, he was being pressurized. Hence, this case.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and the nature of allegation against these applicants and admission in the suicide note by the deceased that he had financial transaction with the applicants, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. 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 executing a personal bond in sum of Rs.25,000/- with one surety each 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram