

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 781 of 2019

- Mohammad Salim S/o Abdul Rashid Aged About 31 Years R/o Sailani Nagar, Sanjay Nagar, Raipur Tehsil And District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station New Rajendra Nagar Raipur Chhattisgarh.

---- Respondent

MCRCA No. 800 of 2019

- Hemant Sethiya S/o Late Pukhraj Sethiya Aged About 58 Years R/o Flat No. A - 23,24, Wallfort Enclave, Behind Ram Krishna Hospital, Police Station Tikrapara, Raipur, Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station New Rajendra Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRCA No. 752 of 2019

- Subramaniam B. S/o Late V.A Narsimhan Aged About 50 Years R/o D-23, Shailendra Nagar, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- New Rajendra Nagar, District- Raipur, Chhattisgarh.

---- Respondent

MCRCA No. 771 of 2019

- Ambar Agrawal S/o Shri Rajendra Agrawal Aged About 31 Years R/o Baniyapara, Purani Basti, Police Station - Purani Basti Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station New Rajendra Nagar, (Wrongly Mentioned As Rajendra In The Cause Title) District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

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MCRCA No. 683 of 2019

1. Vivek Kumar Singhal, S/o Shri Nagarmal Singhal, Aged About 42 Years, R/o Choubey Colony, Raipur, Tahsil and District Raipur Chhattisgarh.
2. Kshitij Kumar Agrawal S/o Shri R.K. Agrawal Aged About 40 Years R/o Rammanohar Lohiya Nagar, Mowa, Raipur, Tahsil and District Raipur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station -

New Rajendra Nagar, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicants : Mr. Ankur Agrawal, Advocate in M.Cr.C. (A)
No.781/2019.
Mr. Rajeev Shrivastava, Advocate in M.Cr.C.(A)
No.800/2019.
Mr. Rahim Ubwani, Advocate in M.Cr.C. (A)
Nos.752/2019 & 771/2019
Mr. Shubham Tripathi, Advocate in M.Cr.C.(A)
No.683/2019.

For Respondent/State: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/05/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in all the above cases have preferred application for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.159/2019 registered at Police Station-New Rajendra Nagar, District – Raipur(C.G.), for the offence punishable under Sections 306, 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against any of applicants regarding the offence of abetment to commit suicide. According to suicide letter left by the deceased, it is very clear that he had grievances from these applicants on account of some unpaid dues and business rivalry which does not amount to abetment in any sense. The allegation against Hemant Sethiya,

applicant in MCRCA No.800 of 2019, is only this that he has not paid the fee due to deceased who provided him services as Chartered Accountant. Allegation against applicants Vivek Kumar Singhal & Kshitij Kumar Agrawal is this that they were not making payment of betting money of about Rs.97 lakhs despite repeated reminders. In the suicide letter deceased had not made any specific allegation against applicant Mohammad Salim except that this applicant had harassed him. The deceased has complained about business rivalry with applicant Subramaniyam B., applicant in MCRCA No.752 of 2019, and similarly he has also complained about non-refund of about Rs.85 lakhs by bookie / betting agent Ambar Agrawal, applicant in MCRCA No.771 of 2019. These grievances do not amounts to abetment as defined under Section 107 of IPC, hence, it is prayed that anticipatory bail be granted to be applicants.

4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that deceased Vineet Patel was Chartered Accountant and he had to collect lot of dues from these applicants, who conspired not to pay back the same to deceased and thereby compelled the deceased to commit suicide. Hence, the applications be rejected.
5. Heard both the parties and perused the case diary.
6. Deceased Vineet Patel, who was working as Chartered Accountant, committed suicide by shooting himself with a firearm on 24.3.2019. In the suicide note left by him, he has made allegations against all these applicants, as mentioned herein-above.
7. After considering on all the facts and circumstances of this case and particularly considering requirement for offence of abetment to commit

suicide, I am of this view that all the applicants deserve to be released on anticipatory bail.

8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their furnishing 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 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 her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge