

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5020 of 2019

- Rasjeet Singh Khanuja @ Lovely Khanuja, S/o Niranjan Singh Khanuja Aged About 44 Years, Occupation - Hotel & Property Dealer R/o House No. A-16, Anupam Nagar, Behind T.V. Tower, Police Station Pandri, Tehsil & District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Civil Line Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pawan Kesharwani, Advocate.
For Respondent	:	Mr. Devendra Pratap Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/08/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.386/2019 registered at Police Station– Civil Line, District– Raipur(C.G.) for the offence punishable under Sections 306/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 12.07.2019. This applicant has not committed any offence. There is no evidence present in the investigation to show any ingredient as it is required under Section 107 of IPC. This applicant and the deceased

were close relatives because of which there had been some property disputes, hence, this false FIR has been lodged. The FIR lodged in this case is also very much belated, which itself shows the concoction of case against the applicant. Further, the complaint against the applicant is politically motivated, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that deceased Rinku Khanuja had connection with some video-CD that was circulated, which was connected with some political leader. This applicant is a witness in that case, in which, investigation is being made by CBI. Further, the evidence present in the case diary itself shows, that this applicant was creating pressure on the deceased in various manners because of which the deceased felt compelled to commit suicide, hence, the act of this applicant amounts to abetment to commit suicide, therefore, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Deceased Rinku Khanuja committed suicide by hanging himself on 5.6.2018. Morgue intimation was recorded and inquest procedure was made. Morgue statement of mother of deceased, wife of deceased and other witnesses were recorded in the inquest procedure and, thereafter, the FIR has been lodged on 20.6.2019. The allegation against the applicant is this, he was threatening and torturing the deceased.
6. Considered on the entire material present in the case diary, on comparing the statement of the witnesses, who gave statement in the inquest procedure with the statement given by them and after lodging

of FIR, difference is seen and also for this reason that the investigation is now at advance stage, I feel inclined to allow the application of this applicant.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha