

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1538 of 2019**

Pramod Shukla, S/o. Lt. Shri S.K. Shukla, Aged About 54 Years, R/o. Shiv Sadan Bandhwapara, Raipur District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through Police Station: Dindayal Upadhyay (D.D. Nagar), District Raipur Chhattisgarh.

---- Respondent**M.CR.C.(A). No. 1542 of 2019**

Bhagwat Kaushal, S/o. Rajendra Kaushal, Aged About 45 Years, R/o. House No. 15, D. P. Homes, Amlideeh, Police Station New Rajendra Nagar, Raipur, Tahsil And District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through Police Station: Dindayal Upadhyay (D.D. Nagar), District Raipur Chhattisgarh.

---- Respondent**M.CR.C.(A). No. 1562 of 2019**

Shreyansh Jain, S/o. Shanti Lal Jain. Aged About 31 Years. R/o C-11 Sai Nagar In Front Of Roop Jeevan Hospital Police Station Devendra Nagar Raipur Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through Police Station: Dindayal Upadhyay (D.D. Nagar), District Raipur Chhattisgarh.

---- Respondent**M.CR.C.(A). No. 1563 of 2019**

Vinay Shankhla, S/o. Kishore Shankhla, Aged About 36 Years, M.N. - HIG - 20 Shailendra Nagar Raipur Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through Police Station: Dindayal Upadhyay (D.D. Nagar), District Raipur Chhattisgarh.

---- Respondent

Sudhir Gautam, S/o. Late Yadunandan Singh Gautam, Aged About 40 Years, Director Maa Bhawani, Construction Building Material, R/o Sundar Nagar, Police Station D. D. Nagar, Raipur District Raipur Chhattisgarh. Mob. 9926886222.

----Applicants

Versus

State Of Chhattisgarh, Through Police Station: Dindayal Upadhyay (D.D. Nagar), District Raipur Chhattisgarh.

---- Respondent

For Applicant (In M.Cr.C.(A) No.1538/19 : Mr. Kshitij Sharma, Advocate
For Applicant (In M.Cr.C.(A) No.1542/19 : Mr. Manoj Paranjpe, Advocate
For Applicant (In M.Cr.C.(A) No.1562/19 : Mr. N.K. Mehta, Mr. Abhishek Sinha,
& M.Cr.C.(A) No.1563/2019 & Mr. D.L. Dewangan, Advocates
For Applicant (In M.Cr.C.(A) No.1561/19 : Mr. T.K. Jha, Advocate
For Respondent : Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/10/2019

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.304/2019, registered at Police Station – D.D. Nagar, Raipur District – Raipur (C.G.) for offence punishable under Section 306 read with 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. There is no evidence to show that any of these applicants have given any kind

of abetment to the deceased to commit suicide. The deceased has committed suicide because of his indebtedness as these applicants have lent money to him, therefore, they have made a demand of the repayment which can not be considered as abetment. Placing reliance on the judgment of M.P. High Court of in case of ***Param Jeet Singh Chawla Vs. State of M.P.***, reported in ***2007 Cr.L.J. 3343***, in which the Court has observed that the relationship between the petitioner and the deceased was that of person granting loan and the borrower. Any dialogue taken place in that regard can not be regarded as abetment for commission of suicide. Therefore, it is a similar case. Hence, it is prayed that they may be granted anticipatory bail.

4. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect. It is submitted that there is evidence to show that all the applicants conspired to create circumstances because of that the deceased felt compelled to commit suicide, which falls under the second definition given in Section 107 of I.P.C.. Therefore, none of the applicants are entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, the deceased Uttam Dubey committed suicide by setting himself ablaze on 12.07.2019. During inquest procedure, on the basis of the statement given by the witnesses, it was found that in the year 2012, the deceased had purchased one Capsule vehicle for his business, thereafter, to expand his business, the deceased had purchased two second hand vehicles from Kishore Sankhala and Vinay Sankhala.

Subsequent to that in the year 2017, the deceased again made purchase of three more vehicles from Kishore Sankhala and Vinay Sankhala and engaged them in his business. In the subsequent transfer of vehicle, the applicant Kishore Sankhala and Vinay Sankhala did not transfer the registration of the vehicle and despite the price that was agreed for the vehicles, they made additional demand for which they harassed and threatened the deceased. The deceased then had to borrow money from the money lenders Pramod Shukla, Sudhir Goutam and Bhagwat Kaushal. These money lenders used to make excessive demands of repayment of the loan because of which they were continuously threatening and harassing the deceased. Thereafter, the applicants Kishore Sankhala and Vinay Sankhala seized the vehicles sold by them to the deceased and parked them in the yard of the applicant Shreyansh Jain. It was concluded that because of these circumstances, the deceased committed suicide.

7. Considered the submissions made and the contents of the case diary. After considering on all the facts and circumstances of the case, it is found that there had been sale transaction with some of the applicants and loan transaction with some of the other applicants, because of which the deceased was continuously pressurized for making a repayment of the loan etc. The deceased could not cope-up with the circumstances and has committed suicide. The abetment to commit suicide in this case is debatable issue, which may be looked into and considered by the trial Court but for the present, I am of this opinion that this is the fit case for grant of anticipatory bail to all the applicants, hence for these

reasons, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

8. Accordingly, all 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 on 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