

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6467 of 2020

Ravi Thapa @ Birendra Pratap Singh S/o Ram Narayan Singh Aged About 37 Years R/o Kathalpara Ward No. 05, Pondi, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer , Police Station Chirmiri District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

MCRC No. 6715 of 2020

Sonu Sahu S/o Late Virendra Sahu Aged About 29 Years R/o Village Amanala Haldibadi Police Station Chirmiri, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer , Police Station Chirmiri District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

MCRC No. 6801 of 2020

Naved Ahmad S/o- Naseem Ahmad Aged About 23 Years R/o - Ward No. 4, Podi, P.S.- Podi, Distt. Koriya (Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S.- Chirmiri, Distt.- Koriya (Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Respective Applicants: Shri Shakti Raj Sinha and Shri Akhtar Hussain,
Advocates

For State : Shri Chandresh Shrivastava, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/11/2020

Heard.

1. MCRC No. 6467 of 2020, MCRC No. 6715 of 2020 and MCRC 6801 of 2020 are being disposed off by this common order as all these applications arise out of same crime number.
2. The applicants are arrested in connection with Crime No.302/2018 registered in Police Station –Chirmiri, District- Koriyia (CG) for alleged commission of offence under Sections 306, 506 read with Section 34 IPC.
3. Case of the prosecution, in brief, is that the applicants abetted commission of suicide by the deceased.
4. Learned counsel for the applicants would submit that the applicants were only lender of money and they never compelled the deceased to borrow loan. Learned counsel submit that merely because the applicants were insisting for return of loan, that would not amount to abetment to commit suicide. It is next submitted that the deceased was in the habit of gambling and for this purpose, he used to mortgage the vehicle belonging to family members and himself as also jewellery of his wife. When he was being asked to return the money, out of his own guilt, the deceased committed suicide. Therefore, it is not a case of abetment. He next submits that the so called suicidal note itself is highly doubtful because during enquiry, it could not be established that suicidal note was written by the deceased himself. Therefore, the applicants may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application by submitting that from the FIR and the case diary statement and records of

the case, prima facie case is made out that though the applicants had borrowed loan to the deceased, the applicants were torturing and harassing the deceased and the deceased was being searched by the applicants to assault him. It was this cumulative effect of torture that the deceased finally committed suicide, therefore, a prima facie case is made out.

6. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the contents of FIR and the allegation relating to continuous torture and harassment and that the applicants are alleged to be searching for the deceased to assault him as he was not returning the loan amount, present is not a fit case for grant of bail.
7. All the applications are accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge