

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1920 of 2019

- Shailendra Singh S/o. Narayan Singh Aged About 30 Years R/o. Forest Office, Sindhi Colony, Police Station Civil Lines, Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Incharge, Police Station Tarbahar, District Bilaspur, Chhattisgarh.

---- Respondent

MCRCA No. 1928 of 2019

- Naveen Tiwari S/o Om Prakash Tiwari Aged About 30 Years R/o Kududand, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tarbahar, District Bilaspur, Chhattisgarh.

---- Respondent

MCRCA No. 2156 of 2019

- Jaipal Panjwani S/o Nirmaldas Panjwani Aged About 36 Years R/o Sindhi Colony Thana Civil Lines, Bilaspur, Tahsil District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Taar Bahar, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

MCRCA No. 2159 of 2019

- Anil Bhojwani S/o Niranjan Bhojwani, Aged About 37 Years R/o Mungeli Naka Thana - Civil Lines Bilaspur Tahsil - District - Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Taar Bahar Bilaspur District - Bilaspur Chhattisgarh.

---- Respondent

For Applicant (MCRCA No. 1920/2019) : Shri Manoj Paranjpe, Advocate.
For Applicant (MCRCA No. 1928/2019) : Shri C.J.K. Rao, Advocate.
For Applicant (MCRCA No. 2156/2019 &
MCRCA No. 2159/2019) : Shri Arvind Shrivastava, Adv.
For Respondent/State : Shri Ajay Kumrani, P.L.
For Objector : Shri Parag Kotecha, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/03/2020

1. As all the above cases arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants are apprehending their arrest in connection with Crime No. 313/2019 registered at Police Station Tarbahar, District – Bilaspur, (C.G.) for the offence punishable under Section 306 r/w 34 of I.P.C.
3. Facts of the case in brief is that, one Bhupendra Kumar Sharma committed suicide by hanging himself on the intervening night of 30&31.10.2018. After recording of the merg report, police recovered two separate suicidal note written by deceased from the spot. During inquiry, statement of wife of the deceased and other witnesses were recorded. Further case of the prosecution is that, earlier deceased had borrowed a sum of Rs. 6,00,000/- from the co-accused person namely, Pramod. It is alleged that as directed by applicant Jaipal Panjwani (MCRCA No. 2156/2019) and applicant Anil Bhojwani (MCRCA No. 2159/2019), co-accused Pramod had given Rs. 2,00,000/- to the deceased through RTGS. Jaipal and Anil have also given Rs. 4,00,000/- cash as loan to the deceased through co-accused Pramod. Thereafter, deceased had return the money to him but present applicants and co-accused Pramod used to pressurize the deceased for return of some more money. In this regard an agreement was also executed between Bhupendra Sharma (deceased) and co-

accused Pramod. As per the agreement, Rs. 45,00,000/- was shown as due amount. Thereafter, for recovery of the said amount, applicants used to create pressure on the deceased. On the date of incident i.e. 30.10.2018, Jaipal Panjwani went to the house of the deceased and pressurized him to return the said amount, at that time Anil Bhojwani was also present with Jaipal. On 30.10.2018 night itself, deceased committed suicide by hanging himself in his house. On the basis of merged inquiry report, offence has been registered.

4. Learned Counsel appearing for the applicants submit that the applicants are innocent and have been falsely implicated in the present case. Counsel appearing for the applicants namely Shailendra Singh (MCRCA No. 1920/2019) and Naveen Tiwari (MCRCA No. 1928/2019) submit that in both the suicidal note, name of these applicants are not mentioned. Learned Counsels further submit that as per the allegations made by prosecution, deceased had given Rs. 30,00,000/- to the applicants, but there is no material available on record regarding the same. There is also no material available on record on the basis of which it can be said that applicants have directly threatened the deceased. Thus, *prima facie*, no case is made out against applicant Shailendra Singh (MCRCA No. 1920/2019) and Naveen Tiwari (MCRCA No. 1928/2019). Learned Counsel appearing on behalf of applicant Jaipal Panjwani and Anil Bhojwani submit that, *prima facie*, no case is made out against them also. They also submit that in one of the suicidal notes, nothing is stated against these two applicant and in the another suicidal note, there is allegation against these applicants, therefore, it seems to be suspicious. Also, if the entire story is taken as it is, it seems that co-accused Pramod was indulged in all money transactions between him and deceased. One agreement has also been executed between deceased and co-accused Pramod in this regard. There is nothing on record which shows that applicant Jaipal and Anil have pressurized the deceased for recovery of the money. For the sake of argument, if applicants are making efforts to get back their money, the alleged offence can not be made out against them. There is nothing on record on the basis of

which it can be said that present applicants under Section 107 of I.P.C. have instigated or abetted the deceased to commit suicide. Looking to the above, it is prayed that applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State and Objector oppose the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that there are two suicidal notes which are contrary to each other, money transactions were made between deceased and co-accused Pramod and one agreement is also executed in this regard, co-accused Pramod has already been arrested, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :
 - (i) They 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 them from disclosing such fact to the Court,
 - (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- (iii) They shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash