

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1091 of 2021**

- Smt. Hileshwari Verma, W/o Shri Om Prakash Verma, Aged About 54 Years R/o Sahu Para, Shri Ram Chowk Near Hanuman Mandir Bhathagaon, District Raipur Chhattisgarh
---- **Applicant**

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Utai, District Durg Chhattisgarh
---- **Respondent**

For Applicant : Shri Goutam Khetrapal, Advocate
For Respondent/State : Shri Shrikant Kaushik, PL

And**MCRCA No. 1161 of 2021**

- Suresh Kumar, S/o Shri Erup Singh, Aged About 40 Years, R/o Gram Pachpedi, Post Pahndor, District Durg (Chhattisgarh) Present Address- Old H Type Quarter, Pwd Rest House Campus, Sasahol, Tilda Neora, District Raipur Chhattisgarh
- Smt. Kiran Madhariya, W/o Suresh Kumar Madhariya, Aged About 35 Years, R/o Old H Type Quarter, Pwd Rest House Campus, Sasahol, Tilda Neora, District Raipur Chhattisgarh
- Smt. Yogita Verma W/o Suyog Sharma Aged About 30 Years R/o House No. 282, Sector 1, Professor Colony, Raipur, Chhattisgarh
---- **Applicants**

Versus

- State Of Chhattisgarh Through Police Station Utai, District Durg Chhattisgarh., District : Durg, Chhattisgarh
---- **Respondent**

For Applicants : Shri Pranjal Agrawal, Advocate
For Respondent/State : Shri Shrikant Kaushik, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

16.09.2021

- Above two cases are arising out of same Crime number. Therefore, these applications are heard together and are being disposed off by this common order.
- Applicants have filed these bail applications under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime

No.291 of 2021 registered at Police Station Utai, District-Durg, Chhattisgarh for commission of offense punishable under Section 306 of IPC.

3. Case of the prosecution, in brief, is that, Ravindra Verma committed suicide by hanging himself in his farmhouse. After mere intimation, FIR was registered on 08.08.2021 against one Himanshu Sharma and two others. Names of applicants have been taken in statement of Kishan Lal Verma, father of deceased and wife of deceased.

4. Applicants, apprehending their arrest, filed these anticipatory bail applications after rejection of their applications by the Court below.

5. Shri Goutam Khetrapal and Shri Pranjal Agrawal, learned counsel for the applicants would jointly submit that allegation levelled against present applicants is with regard to demand of money from deceased as well as Kishan Lal Verma. Shri Goutam Khetrapal, learned counsel for applicant in MCRC-1090 of 2021 submits that in the year 2005 in revenue proceedings, partition of land was recorded in name of Kishan Lal Verma, deceased and Hileshwari was ordered vide order dated 30.09.2005. Land bearing Khasra No.1703 measuring 1.09 hectares was recorded in name of applicant—Smt Hileshwari Verma (daughter of Kishan Lal Verma), which was sold by her father Kishan Lal Verma vide registered sale deed dated 05.11.2018, in which deceased was witness. He submits that when applicant-Hileshwari came to know about the sale of land recorded in her name, she demanded money from her father and brother (late Ravindra Verma). Applicant has not made any illegal demand of money, she asked for money of her own property, recorded in her name. Shri Pranjal

Agrawal, learned counsel for applicants in MCRC-1161 of 2021 would submit applicant-1 Suresh Kumar is son-in-law and applicants-2 and 3 are married daughters of Hileshwari. He submits that Smt Hileshwari Verma and her husband have helped Kishan Lal Verma and deceased financially on many occasions and this financial help which was extended as loan was not repaid by them. Then, they demanded for return of their money, which was given to Kishan Lal Verma and deceased as loan. Demand made by Hileshwari was not illegal but amount which was given to them as loan being the deceased and Kishan Lal Verma, Brother and father of Smt Hileshwari Verma, and amount of land fallen in share of Hileshwari which was sold. He submits that on reading of contents of FIR, it is apparent that no ingredients attracting for commission of offence under Section 306 of IPC is present. There is no allegation of abatement. Applicants are residing separately.

6. On the other hand, Shri Shrikant Kaushik, learned counsel for the State opposing the submissions of learned counsel for the applicants, submits that in suicidal note, there are allegations that Himanshu Sharma, was pressurizing deceased for return of amount of Rs.1.5 Crores, and has kept with him 'Kisan Book', as mentioned in suicide note. Applicants have also demanded money. Hence, applicants are not entitled for bail under Section 438 of CrPC.

7. I have heard learned counsel for the parties.

8. Taking into consideration nature of allegations levelled against applicants, entirety of facts and circumstances of case, submissions made by learned counsel for the parties, and submission of learned counsel for

the State that screen shots of Whatsapp messages showing details of amount which was demanded by applicants, and material available in case diary, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicants.

9. Accordingly, the application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question, they shall be released on anticipatory bail by the Officer arresting them on their executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicants shall also abide by the following conditions:

- a) That the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- b) 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 them from disclosing such facts to the Court or to any Police Officer;
- c) That the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) 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/-
(Parth Prateem Sahu)
JUDGE