

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.49808/2021

(Rajesh @ Harish Bhartiya Vs. State of M.P.)

Indore, Dated: 08/10/2021

Shri Vivek Singh, learned counsel for the applicant.

Ms. Geetanjali Chourasiya, learned Panel Lawyer for the respondent /
State of Madhya Pradesh.

They are heard. Perused the case diary / challan papers.

This is the **first** application under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.373/2021 registered at Police Station Biaora City, District Rajgarh (MP) for offence punishable under Sections 306 of the Indian Penal Code, 1860 and 3/4 of M.P. Protection of Debtors Act, 1937. The applicant is in custody since 29/06/2021.

Allegation against the applicant is that he abetted the suicide of the deceased Narayansingh who committed suicide on 28/06/2021.

Counsel for the applicant has submitted that the applicant had lent certain amount to the deceased and despite the demands made by the applicant, the deceased was not returning the amount and had made certain investments in chit funds which led to heavy loss to him, as a result of which he committed suicide. Counsel has also drawn the attention of this Court towards the whatsapp chat of the applicant and the deceased and it is submitted that merely if the deceased has left a suicide note alleging that the applicant was demanding his own money from him, it is not a case of

abetment to commit suicide. It is further submitted that the applicant is in jail since 29/06/2021 and final conclusion of the trial is likely to take sufficient long time. Hence, it is submitted that the bail application be allowed and he be released on bail.

Counsel for the respondent / State, on the other hand has opposed the prayer and it is submitted that the deceased has left behind a detailed suicide note and has even mentioned the fact that on earlier occasion also, one more person has committed suicide only on account of applicant's illegal demands as the applicant had also lent certain amount to the said person and on that count also, an FIR at crime No.5/2021 has been lodged against the applicant at same police station Biaora. Thus, it is submitted that within a period of one year, two persons have died on account of the applicant's illegal demands, hence, no case for grant of bail is made out.

In rebuttal, counsel for the applicant has submitted that the earlier FIR at crime No.5/2021 was lodged against two persons as one more person was also involved in the case and as such the same cannot be taken into account to decide the present case.

Having considered the rival submissions and on perusal of the case diary including the suicide note left by the deceased as also the FIR lodged at Crime No.5/2021 against the applicant and one Lokendra Thakur, this Court is of the considered opinion that it is not just a sheer co-incidence that two person would commit suicide and in both the cases, the name of the applicant appears prominently that he had lent certain amount on heavy

interest to the deceased persons and huge interest was being claimed from them and both of them were being pressurized for the interest. In such circumstances, this Court does not find it to be a fit case for grant of bail.

M.Cr.C. is accordingly **dismissed**.

(Subodh Abhyankar)
Judge

krjoshi

