

**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE PRANAY VERMA**

**ON THE 2<sup>nd</sup> OF DECEMBER, 2022**

**MISC. CRIMINAL CASE No. 56801 of 2022**

**BETWEEN:-**

**MUKESH BADELWA S/O SHRI  
BASANTILAL JI BADELWA, AGED ABOUT  
43 YEARS, OCCUPATION: BUSINESS 129  
MANSHAMAN GANESH COLONY UJJAIN  
(MADHYA PRADESH)**

**.....APPLICANT**

***(SHRI MAKBOOL AHMAD MANSOORI, LEARNED COUNSEL FOR THE  
APPLICANT).***

**AND**

**THE STATE OF MADHYA PRADESH  
STATION HOUSE OFFICER THROUGH  
POLICE STATION NANAKHEDA  
DISTRICT UJJAIN (MADHYA PRADESH)**

**.....RESPONDENT**

***(SHRI BHARTI LAKKAD, GOVT. ADV. FOR RESPONDENT/STATE)***

**MISC. CRIMINAL CASE No. 56150 of 2022**

**BETWEEN:-**

**SANJAY VASWANI S/O MOHANLAL  
VASWANI, AGED ABOUT 43 YEARS,  
OCCUPATION: BUSINESS 12-B GEETA  
COLONY, UJJAIN DISTRICT UJJAIN  
(MADHYA PRADESH)**

**.....APPLICANT**

***(SHRI VIRENDRA SHARMA, LEARNED COUNSEL FOR THE APPLICANT).***

**AND**

**THE STATE OF MADHYA PRADESH  
STATION HOUSE OFFICER THROUGH  
POLICE STATION NANAKHEDA,  
DISTRICT UJJAIN. (MADHYA PRADESH)**

**.....RESPONDENTS**

**(SHRI BHARTI LAKKAD, GOVT. ADV. FOR RESPONDENT/STATE)**

*This application coming on for admission this day, the court passed the following:*

**ORDER**

Since these applications arise out of the same crime number and are related to the same offence they have been heard together and are being decided by a common order.

2. These are the first applications under Section 438 of Criminal Procedure Code, 1973, as the applicants are apprehending their arrest in connection with Crime No.645/2022, registered at Police Station Nanakheda, District Ujjain (MP) for offence punishable under Sections 306 and 34 of IPC.

3. As per the prosecution, the deceased Amar Yadav committed suicide by consuming a poisonous substance on 5.9.2022. Thereafter in marg enquiry, statements of his family members were recorded who stated that the deceased had taken certain amount by way of loan from different persons and though he had repaid the entire amount those persons continued to harass him and kept pressurizing him for payment of more amount. As a result of harassment having been meted out to him by those persons which includes the applicants, the deceased eventually committed suicide. On the basis of statements of the family members of the deceased the applicants have been implicated for the present offence.

4. Learned counsel for the applicants submits that the applicants are innocent and have falsely been implicated in the case. The only allegation against them is of asking back the amount from the deceased which had been given on loan by them to him. The entire amount had not been repaid by the deceased hence they were insisting upon repayment. It cannot be said that the applicants instigated or abetted the deceased in any manner to commit suicide or that in view of their acts the deceased was left with no other options but to commit suicide since he has various legal remedies available to him. Prima

facie offence under Section 306 of the IPC is not made out. On such grounds, prayer for grant of benefit of anticipatory bail to the applicants has been made.

5. The aforesaid prayer has been opposed by the learned counsel for the State submitting that in view of the allegations levelled against the applicants, they are not entitled to be released on bail.

6. I have heard the learned counsel for the parties and have perused the case diary.

7. The allegation against the applicants is of advancing amount to the deceased by way of loan and pressurizing him for its return. There is no allegation against them of instigating or abetting the deceased in any manner to commit suicide and it cannot be said that due to their acts the deceased had no other option but to commit suicide. Thus in my opinion, in view of the allegations levelled against the applicants they deserve to be granted the benefit of anticipatory bail.

8. It is directed that in the event of arrest of the applicants by the Arresting Officer, they shall be released on bail subject to their furnishing a personal bond in the sum of **Rs.50,000/-** each with one solvent surety each of like amount to the satisfaction of the Arresting Officer (Investigating Officer).

9. The applicants shall make themselves available for interrogation by a Police Officer, as and when required. Applicants shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Cr.P.C.

10. Accordingly, M.Cr.C.No.56801/2022 and M.Cr.C.No.56150/2022, stand allowed and disposed off.

Certified copy as per rules.

**(PRANAY VERMA)**  
**JUDGE**

SS/-