



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1389 of 2021

- Sandeep Kumar Gupta S/o Late Harikishan Nagariya Aged About 52 Years R/o 42/6, Radhika Nagar, Kalibadi, Supela, Bhilai, District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Supela, District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri Manoj Paranjpe, Advocate
For Respondent/State	: Shri BL Sahu, Panel Lawyer
For Objector	: Shri Anmol Sharma, Advocate

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

(Proceeding through Video Conferencing)

18.01.2022

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 855 of 2021 registered at Police Station- Supela, District- Durg, Chhattisgarh for commission of offense punishable under Section 306 of the IPC.

2. Case of prosecution, in brief, is that on 18.09.2021 Ashok Vishwas (since deceased) went to the house of applicant for settling some dispute with regard to payment of money, due from applicant to deceased. Ashok Vishwas was working as Manager and taking care of applicant's catering business. Applicant not paid any amount to deceased Ashok Vishwas since last 6-7 months, due to which he was living in frustration. Feeling aggrieved and harassed by the act of applicant of not paying money due to him, Ashok Vishwas consumed poison in house of applicant on 18.09.2021. This fact was intimated by wife of applicant to the house of deceased, which was received by Nitin Vishwas, son



of deceased. He immediately rushed to house of applicant and found his father in serious condition. He was immediately taken to Chandulal Chandrakar Hospital, Raipur, where he took treatment as inpatient from 18.09.2021 till 01.10.2021, the day Ashok Vishwas died of poisoning. Merg was reported by employee of hospital to concerned Police Station. During the course of investigation, statement of witnesses including statement of Nitin Vishwas was recorded and offence as mentioned above was registered against applicant.

3. Anticipatory bail application filed by applicant before the Court below was rejected by impugned order.

4. Shri Manoj Paranjpe, learned counsel for the applicant would submit that allegation against applicant is only that he being employer of deceased, has not paid salary/money for the last 6-7 months, applicant harassed and forced deceased to take step of consumption of poison. He submits that even if allegation of complainant is taken on its face value, there is no allegation of abatement or instigation to deceased of committing suicide. If there is any money dispute between the two, deceased ought to have taken recourse available to him under the law. He further contended that except allegation of non-payment of money due to deceased from applicant, there is no any other allegation. Deceased died after about 10 days of his treatment in hospital and no further allegation has been levelled. He submits that applicant is in catering business and there was no business during Covid period. Applicant may be enlarged on anticipatory bail.

5. On the other hand, Shri BL Sahu, learned State counsel and Shri Anmol Sharma, learned counsel for objector, opposing submissions of learned counsel for applicant, submit that there are serious allegations that applicant



has not made payment to deceased since last 6-7 months, that too in Covid period. By not making payment to deceased employee by applicant for his salary/wages, action of applicant will come in continuous harassment. Hence he is not entitled for grant of anticipatory bail. However, upon asking, learned counsel for the State as well as Objector submit that there is specific allegation in report and statement of Nitin Vishwas that applicant has not made payment of dues to Ashok Vishwas (deceased). Learned counsel for Objector further submits that as deceased was working as Manager of Catering business of applicant, apart from salary, he further made investment in business, which was also not paid by applicant. Hence, there is *prima facie* involvement of applicant in commission of crime, custodial interrogation is necessary. Learned counsel for the State read over statements of Nitin Vishwas, Pradeep Kr Vishwas, Ajit Vishwas, Sumeet Vishwas and Sandhya Gupta recorded under Section 161 CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of case, nature of allegations made by witnesses in their statements against applicant that there was some money dispute and applicant was not making payment of dues to deceased since last 6-7 months, there is no any other allegation levelled by witnesses against applicant in their statements, without commenting anything on merits of case, I find present to be a fit case to grant anticipatory bail to applicant.

8. Accordingly, bail application is allowed and it is directed that in the event of arrest of applicant in connection with crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal



bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. Applicant shall also abide by following conditions:

- a) That applicant shall make himself available for interrogation before Investigating Officer as and when required;
- b) That applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing such facts to the Court or any Police Officer;
- c) That applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

