

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**CRIMINAL MISC. BAIL APPLICATION NO. 51323 of 2021**

Anand Giri alias Ashok Kumar ChotiyaApplicant

Through: Mr Vineet Vikram, Mr Imran Ullah
(Mr G.S. Chaturvedi, learned Senior Counsel)

Versus

State of U.P. and another Opposite parties

Through: Mr Anurag Kumar Singh for **CBI**
Mr Sanjay Kumar Yadav
Mr Shiv Kumar Pal (GA) for **State**
Mr Alok Kumar Dubey, Mr Saumitra Dwivedi,
Mr Vinay Prakash Shukla, Mr. Rishi Shankar Dwivedi
Mr. Niraj Tiwari for **informant**

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CORAM : **Hon'ble Sanjay Kumar Singh, J.**

ORDER

1. By means of this application under Section 439 Cr.P.C., applicant-Anand Giri alias Ashok Kumar Chotiya seeks enlargement on bail in FIR No. RC-8(S)/2021/SC-III/ND, under Section 306 IPC, PS SC-III/ND, New Delhi lodged by C.B.I, Special Crime-III, New Delhi (earlier registered as Case Crime No. 322 of 2021, under Section 306 IPC at Police Station George-town, District Prayagraj).

Brief Facts

2. The facts that formed the bedrock of the instant bail application moved by accused-applicant Anand Giri alias Ashok Kumar Chotiya are that Mahant Narendra Giri (deceased) was Adyaksh, of "Akhil Bhartiya Akhada Parishad, Mahant/Head of Shri Math "Baghambari Gaddi", Allahpur, Prayagraj and "Shri Bade/Lete Hanuman Ji Temple", Prayagraj.

3. On 20.09.2021 at 05:30 PM, Station House Officer, police station-George Town, Prayagraj received an information on his CUG Mobile No. 9454402825 from Mobile No. 7905160834 of Sarvesh Kumar Dwivedi that Mahant Narendra Giri Maharaj has committed suicide in his room by hanging himself inside the Math. Acting on the aforesaid information, he immediately rushed to the place of incident. Meanwhile other senior officers were also informed, who also reached there. The said information was recorded in General Diary No. 51 dated 20.09.2021 of police station-George Town, Prayagraj. On arriving at the place of incident, he found that dead body of Mahant Narendra Giri Maharaj was lying on floor of the room.

Information was also given to field Unit / Crime Branch team. Shri Sunil Kumar, Additional City Magistrate-III, District Prayagraj also reached there for conducting inquest proceeding on cadaver, which commenced at 22:30 hours on 20.09.2021 and completed at 23:45 hours on the same day.

4. A hand written suicide note containing seven pages of Mahant Narendra Giri, which was kept in two open envelopes, two mobile phones of the deceased, knife, bloodstained rope, four packets *Sulphas* (sulphate) and three DVR of CCTV camera installed at the Math etc. were recovered from the spot in the presence of witnesses, officers and forensic team by the Station House Officer, police station-George Town, Prayagraj. After perusing the suicide note, recovery memos (fard) of recovered items were prepared. Finger prints and chance prints of deceased-Mahant Narendra Giri were also taken. Recovered items were sealed at the spot. The site plan was prepared by the police and photography was also done.

5. Mahant Narendra Giri in his suicide note, has categorically held accused Anand Giri, Adhya Prasad Tiwari and Sandeep Tiwari responsible for taking extreme step to end his life. For better appreciation of the facts, the contents of suicide note are being reproduced herein below:-

मैं महन्त नरेन्द्र गिरी, मठ बाघम्बरी गद्दी बडे हनुमान मंदिर (लेटे हनुमान जी) वर्तमान में अध्यक्ष अखिल भारतीय अखाडा परिषद अपने होशो हवास में बैगेर किसी दबाव में यह पत्र लिख रहा हूं जब से आनन्द गिरी ने मेरे ऊपर असत्य मिथ्या मनगढंत आरोप लगाया तब से मैं मानसिक दबाव में जी रहा हूं जब भी मैं एकान्त में रहता हूं मर जाने की इच्छा होती है। आनन्द गिरी अध्या प्रसाद तिवारी उनका लडका संदीप तिवारी मिलकर मेरे साथ विश्वास घात किया

मुझे जान से मारने का प्रयास किया सोसल मिडीया फैस बुक एवं समाचार पत्रों में आनन्द गिरि ने मेरे चरित्र के ऊपर मनगढन्त आरोप लगाया मैं मरने जा रहा हूँ सत्य बोलूंगा मेरा घर से कोई सम्बन्ध नहीं है मैंने एक भी पैसा घर पर नहीं दिया मैंने एक एक मंदिर एवं मठ में लगाया 2004 में मैं महन्त बना 2004 से मैंने मैंने अभी जो मठ एवं मंदिर का विकास किया सभी भक्त जानते हैं। आनन्द गिरि द्वारा जो भी आरोप लगाया गया उससे मेरी एवं मठ मंदिर की बदनामी हुई मैं बहुत आहत हूँ मैं आत्म हत्या करने जा रहा हूँ मेरे मरने की सम्पूर्ण जिम्मेदारी आनन्द गिरी अधा प्रसाद तिवारी जो मंदिर में पुजारी है अधा प्रसाद तिवारी का बेटा सन्दीप तिवारी की होगी। मैं समाज में हमेशा शान से जिया लेकिन आनन्द गिरि मुझे गलत तरीके से बदनाम किया प्रिय बलबीर गिरी ओम नमो नारायण मैं तुम्हारे नाम एक रजिस्टर वशीयत की है जिसमें मेरे ब्रम्हलीन (मरने के बाद) हो जाने की बाद तुम बडे हनुमान मन्दिर एवं मठ बाघम्बरी गद्दी की महन्त बनोगे तुमसे मेरा एक अनुरोध है कि मेरी सेवा लगे विद्यार्थी जैसे मिथिलेस पाण्डे, रामकृष्ण पाण्डेय, मनीष शुक्ला, शिवेक कुमार मिश्रा, अभिषेक मिश्रा, उज्जवल द्विवेदी, प्रजवल द्विवेदी, अभय द्विवेदी निर्भय द्विवेदी, सुमित तिवारी का ध्यान देना जिस तरह से मेरे समय में रह रहे हैं उसी तरह से तुम्हारे समय में रहेंगे इन सभी का ध्यान देना उपरोक्त सभी जिनका मैंने नाम लिया है तुम लोग भी हमेशा बलवीर गिरी महाराज का सम्मान करना जिस तरह से हमेशा मैं सेवा एवं मठ की सेवा किया उसी तरह से बलबीर गिरि महाराज एवं मठ मन्दिर की सेवा करना वैसे हमें सभी विद्यार्थी प्रिय हैं। लेकिन मनीष शुक्ला, शिवेक मिश्रा, अभिषेक मिश्रा मेरे अति सप्रिय है। कोरोना काल जब मुझे कोरोना हुआ मेरी सेवा सुमित तिवारी मेरी सेवाद की मंदिर में माला फूल की दुकान मैंने सुमित तिवारी को किराय नामा रजिस्टर किया है मिथिलेष पाण्डे को श्री बडे हुना रूपा इम्मोरियम की दुकान किराये पर दी है। मनीष शुक्ला शिवेक मिश्रा, अभिषेक मिश्रा को दुकान नं०-1 लड्डू की दुकान किराये में दी है रामकृष्ण पाण्डेय (रोनू) उजवल द्विवेदी उजवल द्विवेदी को दुकान नं०-2 जो हाल के अन्दर है किराये पर दी है रजनीश पाण्डेय बाल कृष्ण पाण्डेय को श्री बडे हनुमान मन्दिर श्रंगार की दुकान किराये पर दी है अभिय द्विवेदी को श्री बडे हनुमान सूखा प्रसाद की किराये पर दी है। अभय द्विवेदी लड्डू नहीं बेच सकते है। अमर गिरी मंदिर की व्यवस्था करते रहेंगे आनन्द

गिरी मेरी समाधि में भाग नहीं ले सकते मेरे मृत्यु शरीर को छू नहीं सकते बलवीर गिरि तुमसे एक अनुरोध है कि आनन्द गिरि को कभी भी मठ में एवं मन्दिर में नहीं रखना यह बहुत ही खतरनाक व्यक्ति है। अधा प्रसाद तिवारी पर कभी विश्वास नहीं करना पवन पुजारी वफादार व्यक्ति है। पवन तुमसे निवेदन है कि जिस तरह से मेरी एवं मन्दिर मठ की सेवा की है उसी तरह से सेवा करते रहना श्री हनुमान जी तुम्हें कभी कष्ट नहीं देंगे बलबीर गिरि मेरी समाधि बाघम्बरी गद्दी मठ में दिया जाय यही मेरी इच्छा है। सभी मेरे शिष्यगण भक्तजन प्रयागवासी एवं मंदिर मठ के कर्मचारी मुझे माफ करना सभी विद्यार्थी माफ करना मैं मजबूर हूँ आनन्द गिरी ने मुझे मजबूर किया मैं इसलिए आत्महत्या कर रहा हूँ सभी पुजारी गड कर्मचारी मठ के सभी विद्यार्थी गड कर्मचारीगड को मेरा ओम नमो नाराण मेरे कमरे की चाभी बलवीर गिरि महाराज के दिया जाय बलबीर गिरि मेरी समाधी पार्क में निबु के पेड के पास दि जाये यही मेरी अन्तिम इच्छा है धनन्जय विद्यार्थी मेरे कमरे की चाभी बलबीर गिरि महाज को देना बलवीर गिरि एवं पन्च परमेश्वर निवेदन कर रहा हूँ। मेरी समाधि पार्क में नीबु के पेड के पास लगा देना मैं महन्त नरेन्द्र गिरी वैसे तो मैं 13 सितम्बर 2021 को आत्म हत्या करने जा रहा था लेकिन हिम्मत नहीं कर पाया आज जब हरिद्वार से सूचना मिली कि एक दो दिन में आनन्द गिरी कम्प्यूटर के माध्यम से मोबाइल से किसी लडकी या महिला मेरी फोटो लगाकर के गलत काम करते हुए फोटो वायरल कर देगा मैंने सोचा कहा कहा सफाई दूंगा एक बार तो बदनाम हो जाऊंगा मैं जिस पद पर हूँ वह पद गरिमामी पद है। सच्चाई तो लोगो को बाद में पता चल जायेगा लेकिन मैं तो बदनाम हो जाऊंगा इसलिए मैं आत्म हत्या करने जा रहा हूँ जिसकी जिम्मेदारी आनन्द गिरि, आधा प्रसाद तिवारी एवं उनका लडका संदीप तिवारी की होगी मैं महन्त नरेन्द्र गिरि आज मेरा मन आनन्द गिरि के कारण विचलित हो गया हरिद्वार से ऐसी सूचना मिली आनन्द कम्प्यूटर के माध्यम से एक लडकी साथ मेरी फोटो जोडकर गलत काम करते हुए बदनाम करेगा। आनन्द गिरि का कहना है महाराज यानि मैं कहा तक सफाई देते रहेगे मैं जिस सम्मान से जी रहा हूँ अगर मेरी बदनामी हो गयी तो मैं समाज में कैसे रहूंगा इस अच्छा मर जाना ही ठीक है। आज मैं आत्म हत्या कर रहा हूँ जिसकी पूरी जिम्मेदारी आनन्द गिरि, आधा प्रसाद तिवारी जो पहले प्रभारी व उनको मैंने निकाल दिया और संदीप तिवारी S/O अधा प्रसाद तिवारी

की होगी जैसे मैंने पहले ही आत्म हत्या करने जा रहा था लेकिन हिम्मत नहीं कर पा रहा था एक आईडीयो कैसेट आनन्द गिरी जारी किया था जिससे मेरी बदनामी हुई आज हिम्मत हार गया और आत्म हत्या करा हूं 2500000 पच्चीस लाख रूपया अदित्य मिश्रा से एवं 2500000 पच्चीस लाख शैलेन्द्र सिंह सेगर रियल एस्टेट से मागता हूं। मेरी समाधी गद्दी में गुरुजी (महन्त भगवान जी) के बगल में निबु के पेड के पास दिया जाय इससे मैं दूखी होकर आत्म हत्या करने का निर्णय लेकर आत्म हत्या करने जा रहा हूं मेरी मौत की जिम्मेदारी आनन्द गिरी अधा प्रसाद तिवारी संदीप तिवारी S/O अधा प्रसाद तिवारी की होगी प्रयागराज के सभी पुलिस अधिकारी एवं प्रशासनिक अधिकारियों से अनुरोध करता हूं मेरे आत्म हत्या के जिम्मेदारी उपरोक्त लोगो के कानूनी कार्यवाही की जाये। जिससे मेरी आत्मा को शान्ति मिले। प्रिय बलवीर मेरे मठ मन्दिर की व्यवस्था प्रयास करना जिस तरह से मैंने किया इसी तरह से करना दि० आशुतोष गिरि दि नितेश गिरि एवं मढी की सभी महात्मा बलवीर गिरि का सहयोग करना परम पूज्य महन्त हरिगोविन्द पुरी एवं से निवेदन है कि मढी का महन्त बलवीर गिरि को बनाना महन्त रबिन्द्र पुरि जी (सजावर मढी) आपने हमेशा साथ दिया मेरे मरने के बाद बलवीर गिरी का ध्यान दीजिएगा सभी को मेरा ओम नमो नारायण महन्त नरेन्द्र गिरी।

6. A video clip titled as "20210920-132921" also recovered from the mobile phone of Mahant Narendra Giri, which was made by deceased-Mahant Narendra Giri himself just before his death on 20.09.2021 whereby he held Anand Giri, Adya Prasad Tiwari and Sandeep Tiwari responsible for committing suicide by him. The transcription of the video clip is reproduced herein under:-

मैं महंत नरेन्द्र गिरी, आनंद गिरी के कारण आत्महत्या करने जा रहा हूं, आनंद गिरी के कारण मेरी बड़ी बदनामी हुई, गलत आरोप लगाये गये, जो असत्य है। अभी कुछ दिन पहले समाचार आया कि आनंद गिरी मेरी फोटो –कांड किसी लडकी के साथ गलत काम करते हुये मुझे बदनाम करने, करेगा, लोग –बाग, मेरा नाम बडा है, पद बडा है। ये लोग मुझे बदनाम कर देगे, सच्चाई तो बाद

में आयेगी, सच्चाई लोग बाद में जानेगे, इसलिए मर जाना ही ठीक है। मैं सभी संत महात्माओं से बाघम्बरी गद्दी के सभी विद्यार्थियों से, सभी कर्मचारियों से, जो मेरे पूर्व विद्यार्थी है उनसे भी क्षमा मांगता हूं। अपनी जीवन लीला समाप्त करता हूं। दुख हमको भी है लेकिन बदनामी से मर जाना ही ठीक है। यही निर्णय मैंने लिया है और आत्महत्या करने जा रहा हूं। जिसकी जिम्मेदारी आनंद गिरी, हमारे मंदिर के पूर्व पुजारी जिसको मैं हटा दिया है आध्या प्रसाद तिवारी, उनका लडका संदीप तिवारी क्योंकि ये सब खड्यंत्र में शामिल है। आनंद गिरी, आध्या प्रसाद पुजारी जो हमारे यहां तिवारी पुजारी है उनका लडका संदीप तिवारी ये सब खड्यंत्र में शामिल है इन लोगो ने मुझे बदनाम करने का प्रयास किया। उसकी जिम्मेदारी आनंद गिरी की होगी, आध्या प्रसाद की होगी, संदीप तिवारी की होगी। मैं बहुत मजबूर हूं इसलिए मैं अब आत्महत्या करने जा रहा हूं।

7. First Information Report of this case was registered on 21.09.2021 at 00:54 hour under Section 306 I.P.C. at Case Crime No. 322/2021, Police Station George-town, district Prayagraj against Anand Giri on the basis of oral complaint / information of informants-Amar Giri and Pawan Maharaj. It has been mentioned in the F.I.R. that on 20.09.2021 as usual at about 12.30 PM, deceased-Mahant Narendra Giri after taking lunch went for rest in his room at "Baghambari Gaddi". He used to take tea at 3.00 PM, but on that date Mahant Narendra Giri had told that he will not take tea and he informs them in case he wishes to have tea. When no information was received from Mahant Narendra Giri by 5.00 PM, complainant telephoned him, but his mobile was switched off. The FIR further alleges that on knocking the door, when no response was noticed, the door was forcefully opened by Sumit Tiwari, Sarvesh Kumar Dwivedi, Dhananjay and other disciples and Mahant Narendra Giri was found hanging from the ceiling fan of the room. To explore the possibility of his life, he was

brought down by the disciples by cutting the rope, but by that time Mahant Narendra Giri has left for his heavenly abode. It was also mentioned in the FIR that Mahant Narendra Giri was disturbed for the last few months due to Anand Giri. Some times he himself used to say that Anand Giri keeps troubling and harassing him a lot.

8. On the basis of suicide note and video of Mahant Narendra Giri (deceased), which have been quoted above, involvement of Adya Prasad Tiwari and his son Sandeep Tiwari also came into light along with Anand Giri, therefore, they have also been made accused in this case. After the said incident, Crime Branch of district Prayagraj received an information that Anand Giri surrendered at police station-Galheri, district Saharanpur, thereafter he was brought to Prayagraj and his statement was recorded by the investigating officer of the police. The applicant-Anand Giri and Adya Prasad Tiwari were arrested on 21.09.2021 at 8.15 PM and Sandeep Tiwari was arrested on 22.09.2021 at 19.30 hours from Roadways Bus Stand, Civil Lines, Prayagraj.

9. The statements under section 161 Cr.P.C of the informants Amar Giri and Pawan Maharaj were recorded by the investigating officer of the police on 21.09.2021. Amar Giri supported the contents of F.I.R. and Pawan Maharaj has also supported the F.I.R stating inter alia that Mahant Narendra Giri was disturbed for the last few months due to the behaviour of Anand Giri. He used to say that he has been disturbed by Anand Giri who is making effort to defame him. Suicide note is in the hand writing of Mahant Narendra Giri, wherein he has

mentioned that accused Anand Giri, Adya Prasad Tiwari and Sandeep Tiwari under a conspiracy, harassed and trying to defame him by making his obscene morphed video with a girl through computer. The statement of co-accused Sandeep Tiwari was also recorded on 22.09.2021.

10. Post-Mortem of the dead body of the deceased (Mahant Narendra Giri) was conducted by the Medical Board of five doctors on 22.09.2021 from 07:45 AM to 08:50 AM. Videography of the Post-Mortem was also done by Prayagraj police. The cause of death, as per Post-Mortem report is due to "asphyxia as a result of ante-mortem hanging".

11. Thereafter vide notification dated 23.09.2021 of Ministry of Personnel, Public Grievances and Pension (Department of personnel and Training), Government of India, investigation of this case was transferred to Central Bureau of Investigation, hereinafter referred to as "CBI". Thereafter, CBI re-registered the case at RC8(S)/2021/CBI/SC-III/New Delhi. Investigation of the case has been done by Mr. K.S. Negi, Additional Superintendent of Police CB/SC-III/ New Delhi.

12. Apart from aforesaid suicide note of deceased-Mahant Narendra Giri, details of other relevant audios and videos were recovered during investigation, which have been brought on record of this case and referred during the course of the argument by the learned counsel appearing on behalf of C.B.I. are as under:-

(i)	Video clip dated 19.09.2021 of Mahant Narendra Giri titled as 20210919_192345 (learning how to prepare	recovered from mobile phone of deceased Mahant Narendra Giri	Annexure no.09 to the paper book
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	video)		
(ii)	Video clip dated 19.09.2021 of Mahant Narendra Giri titled as 20210919_201452 (learning how to prepare video)	recovered from mobile phone of deceased Mahant Narendra Giri	Annexure no.21 to the paper book
(iii)	Video clip dated 20.09.2021 of Mahant Narendra Giri titled as 20210920_132907 (before committing suicide)	recovered from mobile phone of deceased Mahant Narendra Giri	Annexure no.21 to the paper book
(iv)	Video clip dated 20.09.2021 titled as 20210920_132921 (made by the deceased Mahant Narendra Giri before committing suicide making allegation against accused Anand Giri,Sandeep Tiwari and Adya Prasad Tiwari)	Recovered from Samsung mobile phone of deceased Mahant Narendra Giri	Annexure no. 9 to the paper book
(v)	Audio clip (conversation between Purrushotam Mishra and Ashish Mishra @ Lavkush Mishra) titled as AUD-2021-0522-WA0012	Recovered from mobile phone of Purrushotam Mishra	Annexure no. 17 to the paper book
(vi)	Audio clip (conversation between Mahant Narendra Giri and Anand Giri) titled as 20210523 162514	Recovered from mobile phone of accused Anand Giri	Annexure no. 19 to the paper book
(vii)	Audio clip (conversation between Mahant Narendra Giri and Anand Giri) titled as 20210523 162923	Recovered from mobile phone of accused Anand Giri	Annexure no. 19 to the paper book
(viii)	Audio clip (conversation between Mahant Narendra Giri, Anand Giri and Ravindra Puri) titled as 20210523 163025	Recovered from mobile phone of accused Anand Giri	Annexure no. 19 to the paper book

(ix)	Audio clip (conversation between Anand Giri with two others A& B) titled as 20210618 195140	Recovered from mobile phone of accused Anand Giri	Annexure no. 19 to the paper book
(x)	Audio clip (conversation between Anand Giri, Shri Indu Prakash Mishra and Shri Sushil Mishra) titled as "20200117 191026"	Recovered from mobile phones of accused Anand Giri	Annexure no. 20 to the paper book
(xi)	Audio clip (conversation between Anand Giri, Shri Indu Prakash Mishra and Shri Sushil Mishra) titled as "20200117 192332"	Recovered from mobile phones of accused Anand Giri	Annexure no. 20 to the paper book
(xii)	Audio clip (conversation between Anand Giri, Shri Indu Prakash Mishra and Shri Sushil Mishra) titled as "20200117 192648"	Recovered from mobile phones of accused Anand Giri	Annexure no. 20 to the paper book
(xiii)	Audio clip (conversation between Anand Giri, Shri Indu Prakash and Shri Sushil Mishra) titled as "20200117 193449"	Recovered from mobile phones of accused Anand Giri	Annexure no. 20 to the paper book
(xiv)	Video clip (conversation between Anand Giri and Shri Om Prakash Pandey) titled as "20210620_210747"	Recovered from mobile phones of accused Anand Giri	Annexure no. 20 to the paper book
(xv)	Audio clip (conversation between anand Giri and Shri Sushil Kumar Mishra) titled as "PTT-20210523-WA0087"	Recovered from mobile phones of accused Anand Giri	Annexure no. 20 to the paper book

13. During investigation, statements of about 120 persons were recorded by the investigating officer, out of which relevant statements of Manish Shukla, Sarvesh Kumar Dwivedi, Dhananjay Tiwari, Sumit Tiwari, Sandeep Tiwari, Mahant

Ravindra Puri, Purroshotam Mishra, Ashish Mishra, Indu Prakash Mishra, Sushil Mishra, Om Prakash, Balbir Giri, Satuwa Maharaj, Abhishek Mishra, Shailendra Singh, Arvind Kumar, Shailesh Modi and Hasim Ali have been brought on record along with the bail application.

14. Bail application of the applicant-Anand Giri was rejected on 11.11.2021 by learned Special Judge (EC Act), Allahabad.

15. Investigating officer after recording the statement of the witnesses and collecting other material evidences submitted charge sheet dated 20.11.2021 against accused Anand Giri (applicant), Adhya Prasad Tiwari and Sandeep Tiwari for the offence under sections 120 B and 306 IPC with the observation in para 16.40 of the charge sheet that further investigation in respect of other aspects of the case is in progress. Further investigation report, if necessary, along with the opinion of experts shall be filed in due course. Hence investigation in this regard is kept open u/s 173(8) Cr.P.C.

16. Heard Mr. Gopal Swaroop Chaturvedi, learned Senior Counsel assisted by Mr. Vineet Vikram and Mr. Imran Ullah, learned counsel for the applicant, Mr. Shiv Kumar Pal, learned Government Advocate for the State of U.P., Mr. Anurag Kumar Singh, learned counsel appearing on behalf of the CBI and Mr. Niraj Tiwari, learned counsel for the informants/complainants at length.

Submissions on behalf of accused-applicant

17. Mr. G.S. Chaturvedi learned Senior Counsel appearing on behalf of the applicant made the following submissions:

17.1. Applicant on account of dispute with deceased-Mahant Narendra Giri had left Prayagraj in March, 2021 and shifted to Haridwar and thereafter, he was neither concerned with the deceased nor with the Math "Baghambari Gaddi", at Prayagraj, rather was concentrating at Haridwar with his disciples.

17.2. The last interaction between the applicant and the deceased-Mahant Narendra Giri was on 26 May 2021 in Lucknow, when compromise took place between them and after compromise all the issues were buried, as such there is no proximity between the interaction of the applicant with the deceased and the suicide committed by the deceased on 20 September 2021.

17.3. After 26 May, 2021, there was no conversation between Anand Giri and the deceased-Mahant Narendra Giri. Even on the day of "Guru Purnima" on 24.07.2021 also Anand Giri did not come to Prayagraj to meet Mahant Narendra Giri.

17.4. The Investigating Officer in the most superficial manner filed charge-sheet against the applicant only on the basis of suicide note and video made by the deceased before his death, in which no source of information has been disclosed by the deceased that who gave information to him that "tomorrow applicant-Anand Giri, in order to defame him, will viral his morphed obscene video with a girl in an objectionable position".

17.5. Mr.Chaturvedi referring the statement of Mahant Santosh Dass @ Satua Baba emphasized a lot that deceased-Mahant Narendra Giri during his conversation with Mahant Santosh Dass @ Satua Baba also did not disclose the source of

aforesaid information received to him against the applicant Anand Giri, therefore, there is no direct evidence against the applicant regarding abetment to commit suicide by the deceased. It is also submitted that in the suicide note and video of Mahant Narendra Giri, imaginary allegations have been levelled against the applicant-Anand Giri.

17.6. It is next submitted that at no point of time the applicant had ever asked Ravindra Puri or any other person to play or show any disputed audio or video in front of the deceased. The applicant had forwarded the audio clip of conversation between Purrushotam Mishra and Ashish Mishra @ Lavkush Mishra titled as "AUD-2021-0522-WA0012" to Ravindra Puri only to demonstrate that the disciples who were living in "Baghambari Math" with deceased-Mahant Narendra Giri were talking in such an indecent language behind him and the persons who were closely associated with Math are not trustworthy.

17.7. The applicant who is presently aged about 41 years is a Religious and Spiritual Guru and a Saint by profession. Earlier, he was a member of "Bade/Lete Hanuman Mandir" in Prayagraj and was also a member of Math "Baghambari Gaddi". He has also been actively espousing a series of public causes including 'Ganga Seva Campaign' and has also formed "Ganga Sena" for rejuvenation of river Ganga which has no concern with Math "Baghambari Gaddi".

17.8. In May, 2019, when the applicant went to Sydney, Australia for a religious program, he was falsely implicated there under conspiracy in two molestation cases and was

arrested on 07.05.2019 in order to malign his image and reputation. Referring the letter dated 11.09.2019 of Solicitor of legal firm-"Christopher Levingston & Associates Pty Ltd, Sydney" (filed as Annexure no. 1 to the second supplementary affidavit), it is submitted that charges of molestation against applicant had been dropped and applicant was acquitted by the local court in Parramatta, Australia. Here it is relevant to mention that order of alleged acquittal of the applicant has not been filed by the applicant.

17.9. The prosecution has come-up with a case that applicant was blackmailing the deceased due to which he has committed suicide, however, the CBI has failed to bring on record any audio, video or documentary or electronic evidence which can substantiate the prosecution case.

17.10. There is no direct evidence against the applicant that he got a fake / morphed obscene videos of the deceased with a women prepared through computer and was going to viral the same.

17.11. The deceased has committed suicide due to some other reason, but applicant has been falsely implicated in this case only because of internal rivalry and politics going on in the Math "Baghambari Gaddi", Prayagraj.

17.12. Referring the statement dated 21.10.2021 of one Hashim Ali, it is pointed out that Hashim Ali in his statement has stated that on 12.09.2021 Mahant Narendra Giri called him and asked to format the CCTV camera. Accordingly he formatted the CCTV camera on the direction of deceased-Mahant Narendra Giri. On the strength of said statement, it is

argued that deceased deliberately got the CCTV camera formatted, so that after his death anyone else could not know his activities/misdeed.

17.13. Lastly, it submitted that no offence of instigation and abetment is made out against the applicant-Anand Giri, who is languishing in jail since 21.09.2021, therefore he is liable to be released on bail.

18. Here it is relevant to mention that though several other grounds have been taken in the bail application but except the aforesaid submissions, no other point has been pressed by Mr. Chaturvedi, learned counsel for the applicant.

19. In support of his submissions, Mr. Chaturvedi, learned Senior Counsel for the applicant placed reliance upon the following judgments:-

i. Arnab Manoranjan Goswami vs. State of Maharashtra and others, (2021) 2SCC 427

ii. M.Ravindran vs. Intelligence Officer, Directorate of Revenue Intelligence (2021) SCC 485

iii. Geo Varghese vs. The State of Rajasthan & Anr. 2021 SCC OnLine SC 873

iv. Gurcharan Singh vs. The State of Punjab 2020 SCC OnLine SC 796

v. The State of West Bengal vs. Indrajit Kundu & Ors. 2019 SCC OnLine SC 1364

Submissions on behalf of C.B.I.

20. Mr. Anurag Kumar Singh, learned counsel appearing on behalf of the C.B.I, by refuting the aforesaid submissions of Mr. Chaturvedi, learned counsel for the applicant, argued that the facts and circumstances of the case as revealed from the investigation including the suicide note and dying declaration of Mahant Narendra Giri as reflected from the contents of his video titled as "20210920_132921" dated 20.09.2021 irresistibly established that accused persons namely Anand Giri (applicant), Adhya Prasad Tiwari and Sandeep Tiwari hatched a criminal conspiracy to create circumstances with a motive to compel/force the deceased-Mahant Narander Giri to commit suicide so that they may be able to achieve their ill object. Mr. Anurag Kumar Singh stretching his argument referred several facts and materials collected by the investigating officer as mentioned in the charge-sheet and other documents on record, which are as follows:-

20.1. The applicant is named accused in the FIR lodged by Amar Giri and Pawan Maharaj, who have stated in the FIR that the deceased was disturbed due to harassment caused by the applicant, and he (deceased) had himself said this number of times. The first informant Amar Giri has reiterated in his statement recorded under Section 161 Cr.P.C that deceased-Mahant Narendra Giri used to say that the applicant-Anand Giri was persistently harassing him.

20.2. The suicide note of deceased-Mahant Narendra Giri was recovered from the spot of crime by the police which mentioned in details the harassment, false allegation and

character assassination by the applicant and his associates due to which deceased-Mahant Narendra Giri was under acute mental agony and committed suicide. Hand writing of deceased on the suicide note has been established by witnesses as well as by Central Forensic Science Laboratory (CFSL), New Delhi.

20.3. In the suicide note of the deceased-Mahant Narendra Giri, it is mentioned that on the date of incident, he received information from Haridwar that his morphed photographs with a woman in compromising position is going to be circulated by the applicant-Anand Giri. Realizing that his reputation would be tarnished by the time the falsity of the allegations and such photographs would be established, he committed suicide.

20.4. After the incident a self-made video clip of the deceased was also recovered from his mobile phone in which also he has clearly mentioned that his image has been tarnished due to false allegations made previously by the applicant and he has also received information recently that the applicant is going to circulate his morphed photographs with a woman in order to malign his image. Mahant Narendra Giri has also stated in the video clip that the truth would come to surface after investigation, but during this period his image would be tarnished due to which he thought of taking this extreme step to commit suicide to avoid loss of his reputation in the society and held Anand Giri (applicant), Adya Prasad Tiwari and Sandeep Tiwari responsible for this extreme step. In the above-mentioned video, Mahant Narendra Giri and his voice

was also got identified by various witnesses who had met / talked to the deceased.

20.5. During investigation a conversation between Purushottam Mishra and Lav Kush has been recovered by the investigation officer. In the said conversation, allegations have been made that the deceased had illicit relations with a woman. This conversation was shared by Purshottum Mishra with co-accused Sandeep Tiwari, who forwarded it to the applicant- Anand Giri and thereafter Anand Giri forwarded it to Mahant Ravindra Puri, the Secretary of Niranjani Akhada knowing fully well that he would bring it to the notice of deceased-Mahant Narendra Giri. This act of the applicant-Anand Giri established that he compelled Mahant Narendra Giri to commit suicide using the conversation as a tool that could tarnish his image. Mahant Ravindra Puri in his statement recorded under Section 161 Cr.P.C has admitted that on 23.05.2021, the applicant forwarded an audio clip of the conversation between Purshottum Mishra and Ashish Mishra @ Lav Kush to him, which he had forwarded to Sumit Tiwari, the Sewadar/disciple of deceased-Mahant Narendra Giri.

20.6. The said conversation had been prepared by Purushottam Mishra, who is a close associate of Sandeep Tiwari, who was appointed as the District president of "Ganga Sena" Prayagraj by the applicant-Anand Giri, which demonstrates that he is a very close confidant of applicant-Anand Giri.

20.7. Purushottam Mishra in his statement under Section 161 CrPC has stated that he had prepared the recording of the

conversation with Lav Kush Mishra on the instructions of Sandeep Tiwari. Referring the statement of Ashish Mishra @ Lav Kush Mishra, it is pointed out that he in his statement clearly stated that the allegations made against deceased-Mahant Narendra Giri in his conversation with Purushottam Mishra are totally false.

20.8. The false allegations were circulated by the applicant and his associates which establish the fact that the applicant intended to pressurize Mahant Narendra Giri so that he may succumb to the pressure.

20.9. During investigation, several comments, chats, texts and malicious allegations against deceased-Mahant Narendra Giri which were put on social media by the associates/supporters of Anand Giri on his directions were also collected/recovered by the investigating officer, which are clearly suggestive of ill motive of Anand Giri.

20.10. During triangular conversations between the applicant, Mahant Narendra Giri and Mahant Ravindra Puri of Niranjani Akhada, threat was also extended by the applicant to deceased-Mahant Narendra Giri saying that he was in possession of audio and video clips which, in case, are seen by deceased-Mahant Narendra Giri, he would be shocked. The transcript of this conversation was recovered from the mobile phone of the applicant-Anand Giri. During said conversation, deceased-Mahant Narendra Giri realized that by levelling false allegations against him on social media, the applicant was making an attempt to grab the seat of Head of 'Bagambhari Gaddi'.

20.11. There is sufficient crystal clear evidence against Anand Giri to establish that he has committed the offence in question. It is also evident on record that earlier also Mahant Narendra Giri made an attempt to commit suicide.

20.12. During May, 2019, Anand Giri visited Australia and he was arrested on 5th May 2019 in a molestation case, for which he remained in police custody. Mahant Narendra Giri sent huge amount and also used his political connections, as a result thereof, Anand Giri was released from custody and returned to India safely.

20.13. It is further submitted that during pendency of this bail application, the informants filed affidavit dated 03.07.2022 mentioning inter alia that they do not want to make any comment in the matter and want to take F.I.R. back, which clearly indicates that they have been won over from the side of accused persons. It is also pointed out that in similar manner molestation cases against the applicant-Anand Giri were dropped in Australia on account of withdrawal of complaint by the complainants.

20.14. Lastly, on the strength of aforesaid facts, it is prayed that considering the gravity of the offence where a Head of a Religious Monastic Order has been compelled to commit suicide by the applicant-Anand Giri in order to satisfy his lust for power, the applicant is not entitled to be released on bail. The charge sheet has been submitted in this case and 19.09.2022 is the date fixed before the trial court for framing the charges. The bail application of the applicant is liable to be rejected.

20.15. Anand Giri has put the pious relationship of “*guru*” and “*chela*” on shame because in this case, unfortunately, a *guru* had to commit suicide because of his disciple, which is a very rare case.

21. Learned counsel for the CBI placed reliance upon the following judgments:

i- **Kalyan Chandra Sarkar vs. Rajesh Ranjan Alias Pappu Yadav and another** (2004) 7 SCC 528

ii- **Chenna Boyanna Krishna Yadav vs. State of Maharashtra and Another** (2007) 1 SCC 242

iii- **Praveen Pradhan vs. State of Uttranchal and Another** (2012) 9 SCC 734

iv- **State of Kerala and Others vs. S.Unnikrishnana Nair and Others** (2015) 9 SCC 639.

v- **Ude Singh and Others vs. State of Harayana** (2019) 17 SCC 301

Much emphasis has been given by the learned counsel for the CBI in paragraph 18 of the case of **State of Kerala and Others vs. S. Unnikrishnana Nair and Others** (Supra), , which is reproduced herein below:-

"18.....we are compelled to recapitulate the saying that suicide reflects a "species of fear". It is a sense of defeat that corrodes the inner sould and destroys the will power and forces one to abandon one's own responsibility. To think of self-annihilation because of something which is disagreeable or intolerable or unbearable, especially in a situation where one is required to perform public duty, has to be regarded as a non-

valiant attitude that is scared of the immediate calamity or self-perceived consequence.....”

Submissions on behalf of informants

22. Mr. Niraj Tiwari, learned counsel, who has been subsequently engaged by the informants submits that now previous counsels who were earlier appearing in this matter on behalf of informants have no instruction. He next submits that now both the informants do not want to oppose the prayer for bail of the applicant- Anand Giri. It is pointed out that informant-Amar Giri has filed affidavit dated 03.07.2022 in this case on his behalf as well as on behalf of another informant-Pawan Maharaj mentioning in paragraph no. 7 that they had not lodged F.I.R against any particular person. Only Bade Maharaj Ji's death was reported. They do not want any action on the First Information Report and want to take it back. They are also ready to give such affidavit before the Trial Court. They also do not want to give reply or make any comment on contents of Paragraph no.1 to 112 of the bail application of accused-Anand Giri.

23. Here it would be apposite to quote the contents of paragraph 7 of the affidavit dated 03.7.2022 filed by the informants, which are reproduced herein under:

“7. यह कि हम शपथकर्तागण/प्रथम सूचनाकर्ता (अमरगिरी एवं पवन महाराज) ने किसी व्यक्ति विशेष के विरुद्ध या नाम विशेष से प्रथम सूचना रिपोर्ट (एफ.आई.आर.) दर्ज नहीं करायी थी, मात्र बड़े महाराज के शरीर पूरे होने की सूचना मात्र दी थी और उक्त घटना दिनांक 20.09.2021 की जो भी वास्तविकता हो उसे हम शपथकर्तागण श्री लेटे हुए हनुमान जी महाराज को सुपुर्द

करते हैं कि वही न्याय करेंगे कारण कि हम शपथकर्तागण ने किसी भी व्यक्ति विशेष को घटना में सम्मिलित या घटना कारित करते नहीं देखा है। इसलिए हम शपथकर्तागण उक्त प्रथम सूचना रिपोर्ट के आधार पर कोई कार्यवाही नहीं चाहते और इसे वापस लेना चाहते हैं, साथ ही इस आशय का हलफनामा/शपथपत्र सम्बन्धित परीक्षण न्यायालय में भी देने को तैयार है।”

Submissions on behalf of State of U.P.

24. Mr. S.K. Pal, learned Government Advocate for the State of U.P. submits that First information Report of this case was lodged on 21.09.2021 on the oral complaint / information of informants Amar Giri and Pawan Maharaj. Thereafter both of them supported the prosecution case in their Statement under Section 161 CrPC before the police as well before the C.B.I. In reply to the contents of paragraph no.7 of the affidavit dated 03.07.2022 of the informants, it is argued that same has been filed for the first time before this Court after submission of charge sheet dated 20.11.2021 against the applicant-Anand Giri and other co-accused, which shows that informants are either under any threat or they have been won over by the accused side. It is also submitted that this is a state case on the basis of F.I.R., which does not depend upon the mercy of the informant, whose status is not more than a witness.

25. Lastly it is vehemently argued that the manner in which affidavit dated 03.07.2022 has been filed by the informants in this case, there is every likelihood of tampering of the evidences and witnesses, in case applicant is released on bail.

The basic principles for considering bail prayer

26. The Apex Court in a plethora of decisions has setteled the factors to be borne in the mind while considering an application for bail are:-

- (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;
- (ii) Nature and gravity of the accusation;
- (iii) Severity of the punishment in the event of conviction;
- (iv) Danger of the accused absconding or fleeing, if released on bail;
- (v) Character, behaviour, means, position and standing of the accused;
- (vi) Likelihood of the offence being repeated;
- (vii) Reasonable apprehension of the witnesses being influenced; and
- (viii) Danger, of course, of justice being thwarted by grant of bail.

"Abetment" and " Abetment of Suicide"

27. "Abetment" and "abetment of suicide" has been defined under Section 107 and 306 of IPC respectively. Before delving into the matter, I deem is appropriate to reproduce Section 107 and 306 of IPC, which reads as under:-

107. Abetment of a thing.

A person abets the doing of a thing, who—

First — Instigates any person to do that thing; or

Secondly — Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly — Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.

306. Abetment of suicide.

If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Analysis of case

28. Having heard the submissions of learned counsel for the parties and examined the materials on record in its entirety as well as case diary of this case produced by the counsel for the State and CBI, this Court finds that:-

28.1. Mahant Narendra Giri had taken over as Head of Baghambari Gaddi, Allahpur, Prayagraj in the year 2004, after the death of Mahant Bhagwan Giri who had nominated Mahant Narendra Giri as his successor.

28.2. In the year 2005, accused-applicant Anand Giri joined Baghambari Gaddi as disciple of Mahant Narendra Giri and started living there. Initially applicant Anand Giri was most trusted and favourite disciple of Mahant Narendra Giri.

28.3. From the Kumbh Mela 2008, accused Anand Giri had raised a separate entity namely "Ganga Sena" and started organizing a camp at Magh Mela. Since there was no connection of this Ganga Sena with "Baghambari Gaddi" and no permission for the same was obtained by Anand Giri from Mahant Narendra Giri, therefore, Mahant Narendra Giri was little annoyed with Anand Giri on this count.

28.4. Mahant Narendra Giri vide his will deed dated 07.01.2010 had nominated Swami Balbir Giri as his successor. Later on Mahant Narendra Giri executed another will deed dated 29.08.2011, whereby he nominated Anand Giri (applicant) as his successor in place of Swami Balbir Giri cancelling his first will deed dated 07.01.2010.

28.5. Mahant Narendra Giri had also executed a lease deed dated 12.12.2018 of 744 Sqr. Mtrs. of land of "Baghambari Gaddi" in favour of accused Anand Giri for installation of a petrol pump of HPCL. Having been completed all formalities by means of the application dated 15.12.2018 of Anand Giri, letter of Intent (LOI) was issued in favour of Anand Giri on 09.03.2019.

28.6. In April 2019 applicant-Anand Giri had gone to Sydney, Australia for a period of five weeks. His program was arranged and hosted by Hindu Cosmos Mandir, Oxley Park. During his stay Anand Giri has also been invited by devotees to their home for performing various kind of religious ceremonies / rituals Bhagwad reading. On 5th May 2019 he was arrested there in two molestation cases on the complaint lodged by two Fiji origin Australian women on the charge of indecent behaviour and remained in police custody for some time. Correspondence made between Government of India, Ministry of Home Affairs, New Delhi and Consul General, Congendia Sydney, Australia reveal that bail was granted to Anand Giri by Mt Druitt Court on certain conditions. As per email dated 15.03.2022 (filed at page No. 21 of the second supplementary counter affidavit dated 05.4.2022 filed by CBI) received to OIA-II Division, MEA, New Delhi from Consul General, Congendia Sydney, Australia, both the complainants made complaint to police that Anand Giri touched them on their private parts in bedroom whereas Anand Giri denied these allegations. Later on complainant submitted application for withdrawal of their complaints against Anand Giri. Thereafter he returned to India. I also find that Ravindra Puri, Balbir Giri and Sarvesh Kumar Dwivedi in their statements have stated that deceased-Mahant Narendra Giri helped a lot for the return of Anand Giri in India. Sarvesh Kumar Dwivedi also stated that Mahant Narendra Giri had sent huge amount to Australia, whereas there is denial of this fact from the side of the applicant. Here it is relevant to note that applicant has neither filed copy of complaint nor withdrawal application of

the complainants nor the judgement of the alleged acquittal of Anand Giri.

28.7. After arrest of Anand Giri in molestation case in Australia, Mahant Narendra Giri was very upset and he realized that on account of the act and conduct of Anand Giri, the reputation of "Math" "Baghambari Gaddi" had been deteriorating on international level, therefore on 04.06.2020, Mahant Narendra Giri had executed a third will deed vide which he again nominated Swami Balbir Giri as his successor mentioning that Anand Giri has frequently visiting to foreign countries for participating in different programs. He had raised a separate entity namely "Ganga Sena" which has a different motive than that of "Baghambari Gaddi". Mahant Narendra Giri had also mentioned in his will deed that Anand Giri had involved himself in anti-religious activities in foreign countries due to which the reputation of Math "Baghambari Gaddi", "Shri Bade/Lete Hanuman Temple" and that of Mahant Narendra Giri had been deteriorating on international level.

28.8. Anand Giri had started construction of his own Ashram at Shyampur, Haridwar in the name & style of "Vikram Yog Peeth" and he being a member of "Baghambari Gaddi", had not taken permission of Mahant Narendra Giri. On 01.04.2021, Anand Giri had fixed the date of inauguration of his Ashram at Haridwar. He came to Niranjani Akhada and invited all the saints available there, but did not invite Mahant Narendra Giri. Due to non-invitation from accused Anand Giri, Mahant Narendra Giri was so disappointed that he had warned all the saints who were present there that if anyone would go to

attend the said function, they need not return to Niranjani Akhada.

28.9. In the first week of April, 2021, Mahant Narendra Giri was diagnosed with CORONA and he was admitted to AIIMS, Rishikesh for treatment on 12.04.2021. On 13.04.2021, Anand Giri visited AIIMS, Rishikesh to see Mahant Narendra Giri but Mahant Narendra Giri was so annoyed with him that he declined to meet Anand Giri. While accused Anand Giri was leaving the Hospital, he told Sumit Tiwari, who was attending the ailing Mahant Narendra Giri at that time that he had seen Mahant Ji who would not survive and would die in few days. Thus, before his death, Mahant Ji should nominate him as his successor of "Baghambari Gaddi", Prayagraj.

28.10. After recovery from CORONA, Mahant Narendra Giri returned to Prayagraj on 24.04.2021. After a few days of quarantine, Mahant Narendra Giri had started meeting to his followers. During one such meeting Mr. Indu Prakash Mishra, Sushil Mishra and Om Prakash Pandey met Mahant Narendra Giri. During their discussion, Mahant Narendra Giri had disclosed that relations between him and Anand Giri had gone bad to worse and Anand Giri is disturbing him a lot.

28.11. On 12.05.2021, Mahant Narendra Giri wrote a letter to the Panch Parmeshwar of Niranjani Akhada, Haridwar, mentioning therein the ill-deeds are being committed by accused Anand Giri as well as allegation of misappropriating the funds of Gaddi and temple and requested them to expel Anand Giri from "Niranjani Akhaa" alleging that he had already expelled accused Anand Giri from "Baghambari Gaddi",

Prayagraj as well as from "Shri Bade/Lete Hanuman Ji Temple", Prayagraj.

28.12. Thereafter on 13.05.2021 accused Anand Giri was expelled from Niranjani Akhada, Haridwar for a period of three years, which was formally announced on 14.05.2021.

28.13. After expulsion of accused Anand Giri from Niranjani Akhada, a war of words started by Anand Giri and his associates through print/electronic/social media etc. making allegations against deceased-Mahant Narendra Giri. Thereafter relation of Anand Giri with Mahant Narendra Giri further worsen. Investigating officer has collected those materials during investigation.

28.14. During that period Purushottam Mishra on 22.05.2021 having talked to his relative Ashish Mishra @ Lav Kush, over phone recorded the said conversation and sent the same to co-accused Sandeep Tiwari, who transmitted the said conversation on 22.05.2021 to applicant- Anand Giri. On 23.05.2021, Anand Giri forwarded the said conversation to Mahant Ravindra Puri, Secretary, Niranjani Akhada, Haridwar, stating that the said conversation had been received by him from the disciple of Mahant Narendra Giri and further told Mahant Ravindra Puri that he may bring the same to the knowledge of Mahant Narendra Giri. As told by applicant-Anand Giri, Mahant Ravindra Puri forwarded the said conversation to Sumit Tiwari with the direction to play the same before deceased-Mahant Narendra Giri. Accordingly Sumit Tiwari did the same. During investigation of the case on 02.10.2021, the data of mobile phone of Purshottam Mishra

was extracted in a Hard Disk and during scrutiny, aforesaid audio clip "AUD-20210522-WA0012-sizing 1.63 MB" pertaining to conversation between Purshottam Mishra and Ashish Mishra @ Lav Kush Mishra was noticed. Transcription of this audio was prepared, which has been filed as Annexure No. 17 to the bail application. Perusal of the same reveals that vulgar, filthy and abusing language have been used for the deceased- Mahant Narendra Giri and his character was also assassinated making allegations inter alia that Mahant Narendra Giri has illicit relation with the mother of his disciple Manish Shukla, that is why Manish Shukla became very rich with Mahant Narendra Giri's money. The aforesaid conversation also indicates the conspiracy against Mahant Narendra Giri. Both Purushottam Mishra and Ashish Mishra @ Lav Kush, have admitted the aforesaid conversation between them in their statement before the C.B.I. when statement of Ashish Mishra alias Lav Kush Mishra was recorded, he stated that aforesaid allegation against Mahant Narendra Giri was false.

28.15. Co-accused Sandeep Tiwari after sending the recorded conversation between Purushottam Mishra and Ashish Mishra @ Lav Kush on 22.05.2021 to Anand Giri, having guilty mind and fear against him left Prayagraj in the night of 23.05.2021 for Dewas, Madhya Pradesh along with Shri Ved Prakash Pandey and Shri Manoj Dwivedi. While leaving Prayagraj, accused Sandeep Tiwari took a bag of accused Anand Giri which was kept with him. On 24.05.2021, they reached at Dewas, Madhya Pradesh in the noon. From the residence of Rajmata Gayatri Raje Panwar, MLA, Dewas, accused Sandeep Tiwari collected a parcel for handing over the same to Anand

Giri. Thereafter, accused Sandeep Tiwari alongwith his above two friends left Dewas and they reached Haridwar in the morning of 25.05.2021 and met accused Anand Giri because the date of compromise between Mahant Narendra Giri and accused Anand Giri had already fixed for 26.05.2021. The above act of co-accused Sandeep Tiwari reflects that he was in guilty mind and was afraid of legal action against him if Mahant Narendra Giri would have reported about the conversation to police.

28.16. In the evening of 23.05.2021, accused Anand Giri came to Mahant Ravindra Puri at Niranjani Akhada, Haridwar and asked him to convince Mahant Narendra Giri to revoke his expulsion from Niranjani Akhada. Thereafter on 23.05.2021 on insistence of accused applicant Anand Giri, Mahant Ravindra Puri from his mobile number 9548565816 talked to Mahant Narendra Giri on his Mob. No. 9415340862 at around 16:24 hours for revocation of expulsion of accused Anand Giri. This conversation was recorded by accused Anand Giri in the Niranjani Akhada at Haridwar from his I-phone mobile keeping the mobile phone of Mahant Ravindra Puri on speaker mode. During triangular conversation which held on 23.5.2021 amongst accused Anand Giri, Mahant Ravindra Puri and deceased-Mahant Narendra Giri, accused Anand Giri mounted pressure on Mahant Narendra Giri to revoke his expulsion immediately and threatened Mahant Narendra Giri to defame him by circulating his objectionable videos and audios, which are in his possession. Anand Giri also said that if he sends those videos and audios to him, he would be stupefied. The wordings of Anand Giri were 'MAI AAPKO BHEJUGA TO AAPKE

PAIRO KI ZAMEEN KHISAK JAYEGI, AISE AISE VIDEO AUDIO MERE PASS HAI'. The said conversation indicates that Anand Giri had expressed his intention that in case of non revocation of his expulsion immediately, he will not sit silent. During the said conversation, it was settled that a decision to revoke expulsion of Anand Giri from Niranjani Akhada would be taken in next ten days. The said audio recordings containing the conversation between Mahant Narendra Giri, Mahant Ravindra Puri and accused Anand Giri were also recovered from the mobile of accused Anand Giri during investigation. Here it is relevant to mention that Mahant Ravindra Puri in his statement during investigation has also disclosed inter alia that Mahant Narendra Giri used to tell him time and again during the conversation that Anand Giri used to harass him.

28.17. On going through the transcript of audios titled as "20200117-191026, 20200117-192332, 20200117-192648 and 20200117-193449" of triangular conversation between the accused-Anand Giri and his two associates namely Indu Prakash Mishra and Sushil Kumar Mishra, which have been filed at page No. 247 to 260 of paper-book, I find that Indu Prakash Mishra and Sushil Kumar Mishra were also deeply concerned with the dispute between the accused-Anand Giri and deceased Mahant Narendra Giri. Indu Prakash Mishra and Sushil Kumar Mishra were in touch with both Anand Giri as well as in Mahant Narendra Giri and they were working as a middleman/liaisoner between Anand Giri and Mahant Narendra Giri. Unhealthy conversations between them indicate that there was dispute / exasperation for supremacy and post as well as

power and management relating to property of "Baghambari Gaddi".

28.18. On 26.05.2021 a meeting between Mahant Narendra Giri and Anand Giri was arranged by Indu Prakash Mishra and Sushil Kumar Mishra at Lucknow. Anand Giri along with co-accused Sandeep Tiwari, Ved Prakash, Manoj Dwivedi, Prashant Shukla, and Aviral Tiwari @ Shibu reached Lucknow from Haridwar. Mahant Narendra Giri along with Sushil Mishra and O.P. Panday also reached Lucknow from Prayagraj. A compromise took place between Mahant Narendra Giri and Anand Giri in the house of Indu Prakash Mishra at Lucknow and compromise note was also prepared by Sushil Kumar Mishra. In the said compromise note, accused Anand Giri had taken back all the allegations raised against Mahant Narendra Giri in the print/electronic media and Mahant Narendra Giri had forgiven his disciple keeping in view the relations between Guru and Chela. Indu Prakash Mishra and Sushil Kumar Mishra played a pivotal role in this regard. A video of said compromise was recorded by Sushil Kumar Mishra and thereafter it was circulated on social media.

28.19. On 30.05.2021, Purushottam Mishra alongwith Adhya Prasad Tiwari visited Shri Bade/Lete Hanuman Mandir for tendering apology from Mahant Narendra Giri, but due to sudden provocation, abusive arguments took place between Mahant Narendra Giri and co-accused Adhya Prasad Tiwari. Thereafter Mahant Narendra Giri removed him and his elder son Dilip Tiwari from the post of priest of "Shri Bade/Lete Hanuman Mandir". He had also taken back flower-garland

shop from Adhya Prasad Tiwari, which was being run by his son co-accused Sandeep Tiwari.

28.20. Due to vacation of flower shop which was allotted to co-accused Adhya Prasad Tiwari, he was so frustrated that accused Adhya Prasad Tiwari talked to Indu Prakash Mishra to persuade Mahant Narendra Giri to return the said shop to him, but he advised Adhya Prasad Tiwari to remain silent for the time being.

28.21. On 24.07.2021, on the occasion of "Guru Purnima" Anand Giri did not turn up. Due to absence of accused Anand Giri even after compromise, the differences further widened up between Mahant Narendra Giri and accused Anand Giri.

28.22. On 11.09.2021, Mahant Narendra Giri asked Sarvesh Dwivedi @ Bablu to bring Sulphate "Sulphas" from the market for use in food grains which Sarvesh Dwivedi had purchased from a shop namely M/s New Agro Seeds Company, Alopibagh, Prayagraj.

28.23. Between 10.09.2021 and 12.09.2021, Mahant Narendra Giri had held a discussion with his disciple Vasudev Shukla and Abhyuday Tiwari about the effects of consumption of sulphate and the time taken in death when someone consumes sulphate. He also enquired from them, if the medical treatment is received by the person who consume sulphate, can he survive.

28.24. On 12.09.2021, Mahant Narendra Giri had again planned to visit Haridwar. He had to meet to several property dealers such as Mr. Shailendra Singh, Mr. Shailesh Modi, Mr. Arvind Kumar @ Babli, etc., but due to bad weather he could

not go there. On the same day, Mahant Narendra Giri had asked one Mr. Hashim Ali, who had installed CCTV at Baghambari Gaddi, to come at "Baghambari Gaddi" to format/delete the CCTV footages stored in DVR. Hashim Ali did the same accordingly, however, due to some technical issue, CCTV footages of one DVR could not be deleted.

28.25. On 18.9.2021, Mahant Narendra Giri had enquired from few persons whether the video/photo of one person could be edited showing face of other person with the help of computer.

28.26. On 19.09.2021, Mahant Narendra Giri asked Sarvesh Dwivedi @ Bablu to bring nylon rope from the market for fixing the same on the roof of first floor of his living room for drying the clothes. Accordingly, Sarvesh Dwivedi went to market and purchased 50 metre nylon rope of 08 Gauge from M/s Indira Traders, Tularambagh, Prayagraj. In the evening, when Mahant Narendra Giri was sitting outside the guest room, he told Sarvesh Kumar Dwivedi to bring a piece of rope after cutting the same from the bundle of nylon rope. Mahant Narendra Giri had also briefed him about the length of rope to be cut from the bundle.

28.27. In the evening of 19.09.2021, Mahant Narendra Giri had surprisingly asked one Suraj Pandey regarding process of recording video in the mobile phone. Suraj Pandey taught Mahant Narendra Giri about the same and also taught him how videos are deleted from mobile phone. The video in which Mahant Narendra Giri was seen learning how to make videos, was also recovered from his mobile phone.

28.28. On 20.09.2021, Mahant Narendra Giri also told Manish Kumar Shukla and Abhishek Mishra that he is very disturbed as he had received reliable information that Anand Giri is going to release his edited video showing him (Mahant Narendra Giri) with some female in objectionable position.

28.29. Record reveals that on the day of incident, Mahant Narendra Giri, on 20.09.2021 at around 7.00 AM, before committing suicide, lastly talked to Mahant Santosh Dass @ Satua Baba of Varanasi and also informed him that he had received a reliable information that Anand Giri had made a video by computer and in that video he has shown him (Mahant Narendra Giri) doing wrong with a woman and Anand Giri says that he will make that video circulate/viral. Mahant Narendra Giri further told Mahant Santosh Dass alias Satua Baba that Anand Giri had shown the said video to two persons of Haridwar and one person of Prayagraj.

28.30. Here it would be relevant to reproduce the statement of Mahant Santosh Dass alias Satua Baba which are as under:-

बयान महन्त सन्तोष दास @ सतुआ s/o महन्त जमुना दास जन्म तिथि 14-7-1984 निवासी सी०के० 10/48 मनकर्णिका घाट वाराणसी उ०प्र०)मूल निवासी पुत्र श्री स्व० शोभाराम तिवारी ग्राम मसौरा कला. पो० मसौरा खुर्द थाना कोतवाली सदर जिला ललितपुर उ०प्र० धारा 161 सी०आर०पी०सी० के अन्तर्गत दर्ज।

मैं उपरोक्त हूँ एवं बयान करता हूँ कि मैं सन् 1999 में काशी आया था, मैंने सम्पूर्ण नन्द संस्कृत विश्व विद्यालय से आचार्य की शिक्षा गृहण की है। सन् 2009 में मैंने अपने गुरु महन्त जमुना दास से शिक्षा गृहण की एवं इसी वर्ष मैं उत्तराधिकारी घोषित हुआ 2010 में हरिद्वार कुम्भ मेले के दौरान मुझे मेरे गुरुजी ने महामण्डलेश्वर घोषित किया, 29.11.2012 को गुरुजी स्वर्ग सिधार गये तब से मैं महामण्डलेश्वर कार्यरत हूँ।

मैं हर वर्ष माघ मेला प्रयागराज जाता हूँ वहाँ पर व वहाँ पर सतुआ बाबा सेवा शिविर लगाता हूँ जो कि खाक चौके पर लगता है, सन् 2013 में मेरी मुलाकात महन्त नरेन्द्र गिरी जी महाराज से माघ मेले के दौरान हुई। वह बहुत कम बात करते थे।

सन् 2016 में मैं बागम्बरी गद्दी गया था उस समय मैं वहा पर 6-7 दिन तक रुका था। महन्त नरेन्द्र गिरि रोज सुबह हनुमान मन्दिर जाते थे इस दौरान हमधर्म से सम्बन्धित बाते करते थे इतना मेल हो गया था कि हम दोनो के पिता पुत्र से सम्बन्ध हो गये थे।

मेरे श्री अखिलेख यादव पूर्व मुख्य मन्त्री एवं श्री शिवपाल यादव से अच्छे सम्बन्ध बहुत समय से रहे है।

मैं आगे बयान करता हूँ कि कुम्भ मेला 2021 के दौरान महन्त नरेन्द्र गिरी जी व आनन्द गिरि के आपसी सम्बन्ध बहुत खराब हो गये थे। इसके बाद लगभग मई मध्य में महन्त नरेन्द्र गिरि जी का मुझे फोन आया तथा उन्होने मुझसे पूछा कि आनन्द गिरि से मेरी कब से बात नहीं हुई है। मैंने महन्त जी से कहा कि काफी समय से बात नहीं हुई है। महन्त जी ने मुझसे पूछा कि क्या अखबार नहीं पढते हो वह (आनन्द गिरि) उनपर अनरगल मिथ्या आरोप लगा रहा है कहता है बच्चो पर बहुत पैसा खर्च कर रहे है उनके मकान बनवा रहे है। महन्त नरेन्द्र गिरी जी ने मुझे कहा कि कोराना बीमारी के दौरान बच्चो ने ही उनकी सेवा की है।

मैंने आनन्द गिरि जी से फोन से बात की तो आनन्द गिरि से बात की तो आनन्द गिरि बोले की उन्हे अखाडे से निकाल दिया है, वह जमीन उससे वापस मांग रहे है, एक बार मठ की जमीन बेचे है अगर वह जमीन वापस कर देगे तो उसे भी महन्त जी बेच देगे। आनन्द गिरि से पूछने पर कि वह क्या चाहता है तो उसने बताया कि गद्दी की गरिमा बची रहे वह यह चाहता है।

मैंने फोन पर महन्त नरेन्द्र गिरि जी से बात की तो उन्होने कहा कि आनन्द गिरि झूठ बोल रहा है।

मुझे इस बात की जानकारी है कि दि० 26.5.2021 को भी इन्दू प्रकाश मिश्रा द्वारा महन्त नरेन्द्र गिरि व आनन्द गिरि के बीच सुलह कराई गई थी। उस समय एक वीडियो जारी किया गया था वह वीडियो मैंने भी देखा था व देखने के बाद मैंने महन्त नरेन्द्र गिरि जी से फोन से बात की थी। इसके उपरान्त मेरी महन्त नरेन्द्र गिरि व आनन्द गिरि से कोई भी बात नहीं हुई।

दि० 20.9.2021 को लगभग सात बजे सुबह महन्त नरेन्द्र गिरि जी का फोन आया, वह बोले कि सतुआ बाबा आप उनको भूल गये हो। काफी दिनों से फोन नहीं किए। वह मुझसे बोले कि मुख्यमंत्री जी आये थे कहा है अगर उनसे मिले तो बात करवा देना। मैंने कहा महन्त जी ठीक है कोशिश करूंगा।

महन्त नरेन्द्र गिरि आगे मुझसे बोले कि आनन्द गिरि से क्या मेरी बात हुई है महन्त नरेन्द्र गिरि बोले की कोई उनको बताया है कि आनन्द गिरि ने कम्प्यूटर से एक वीडियो बनाया है उस वीडियो में उन्होंने महन्त नरेन्द्र गिरि को किसी महिला के साथ गलत काम करते हुए दिखाया है तथा कहता है कि वह उसे बाइरल करेगा, मैंने उनसे पूछा कि वह वीडियो कहा है तो महन्त जी बोले कि वह उस वीडियो को हरिद्वार में जिनके नाम महन्त नरेन्द्र गिरि ने मुझे नहीं बताये दो लोगो को दिखाया है तथा एक व्यक्ति को जो प्रयागराज का रहने वाला है उसे भी दिखाया है उस वीडियो में उसने कम्प्यूटर से उनका चेहरा जोड़ा है।

मैंने महन्त नरेन्द्र गिरि जी कहा कि वे पुलिस में एक शिकायत दे दे। उनकी तो पुलिस में जान पहचान है। महन्त जी बोले कि वह हमेशा मान-सम्मान से जिये है। जब तक पुलिस की जांच होगी तब तक तो काफी बदनामी हो जायेगी। मैंने उनसे कहा कि वह अखाड़ा परिषद के अध्यक्ष है उन्होंने कोई गलती नहीं की है। इस पर उन्होंने कहा कि दो दिन पहले तक वह बहुत अधिक तनावग्रस्त थे अब कोई तनाव नहीं है वह जांच के लिए प्रार्थना पत्र दे देंगे।

दि० 20.9.2021 को समय 10.43 प्रातः उनका एक फोन आया जिसे मैं उठा नहीं पाया, फिर लगभग 11.00 बजे उनका फोन आया उन्होंने मुझसे पूछा कि क्या मैंने मुख्यमंत्री जी को बताया कि नहीं कि वह उनसे बात करना चाहते हैं, इस पर मैंने उनसे कहा कि मेरी बात नहीं हो पाई क्योंकि उनके साथ काफी सुरक्षा लगी है तथा वह काफी व्यस्त थे।

इनके बाद शाम को मुझे उनके देहान्त की सूचना मिली। दि० 21.9.2021 को मैं प्रयागराज गया तथा पूरे दिन वहां पर रहकर शाम को वापस बनारस आ गया।

28.31. A suicide note as mentioned above was recovered from the place of incident. During investigation the handwriting of Mahant Narendra Giri on the suicide note was also identified by witnesses namely Amar Giri, Pawan ji Maharaj, Manish

Shukla and Sumit Tiwari and others. As per CFSL report dated 03.01.2022 also the said suicide note was written by Mahant Narendra Giri. In the suicide note Mahant Narendra Giri had categorically held applicant- Anand Giri, co-accused Adhya Prasad Tiwari and Sandeep Tiwari responsible for taking extreme step to end his life.

28.32. The videos titled as "20210920_132907" and "20210920_132921" made by Mahant Narendra Giri have also been recovered from his Samsung Mobile phone. These two videos were made by deceased just before his death. First video of the deceased titled as "20210920_132907" is regarding learning of making video. In second video titled as "20210920_132921", Mahant Narendra Giri was seen holding Anand Giri, Adhya Prasad Tiwari and Sandeep Tiwari responsible for his suicide as Anand Giri was going to release an edited video showing him (Mahant Narendra Giri) with some female in objectionable position.

28.33. Here it is relevant to mention that on going through the transcript of audio titled as "20210618-195140" of triangular conversation" between the accused-Anand Giri and his two associates A & B, which has been filed at page no. 242 to 245 of paper-book, I find that during said conversations they used vulgar language related to debauchery, womanizing and sex also. Such conversations and using vulgar language do not suit to "religious gurus", his close associates and "sages". Such vulgar conversations cannot be expected from a man who claims himself to be a sage or religious/spiritual guru in real sense. This reflect his dual personality in the guise of wearing

a religious cloak. This Court is of the view that the conduct of any person should be in accordance with dignity of his position. The higher is the position, the greater is the responsibility. A man is also known by the company he keeps in the society.

28.34. In any religion, "religious gurus" have a special position and respect in the eyes of the people, because of their special spiritual knowledge about the religion concerned, scriptures, purity, grace and other virtuous qualities. Most of the people touch their feet in their honor due to spiritual preceptor and vibrant. They must have a pure and pious mind with ethical perfection and must be intensely virtuous, because in a civilized society, generally it is presumed that spiritual guru is free from greed, fraud and lust and the people who have blind faith in them are spiritually inspired from them extending their full faith and devotion and in their company they feel themselves spiritually elevated. A real "guru" inspires spiritual devotion in others and it is presumed that their presence purifies all, ergo high responsibility lies upon them towards the society in order to maintain the public confidence.

Conclusion

29. After analyzing the case in hand, I find that the crux of the case is that Mahant Narendra Giri vide his will deed dated 29.08.2011 had nominated Anand Giri (applicant) as his successor, but after arrest and involvement of Anand Giri in molestation cases in Australia as mentioned above, Mahant Narendra Giri had executed a fresh will deed dated 04.06.2020, vide which he removed the accused-applicant

Anand Giri from his successor and again nominated Swami Balbir Giri as his successor. Thereafter Mahant Narendra Giri making several allegations, expelled Anand Giri from "Baghambari Gaddi", Prayagraj as well as from "Shri Bade/Lete Hanuman Ji Temple", Prayagraj and subsequently Anand Giri was also expelled from "Niranjani Akhada" for a period of three years on the persuasion of Mahant Narendra Giri. Co-accused Adhya Prasad Tiwari was head priest at " Shri Bade/Lete Hanuman Mandir" and is closely associated with Anand Giri. Other priest including informant Pawan Shukla and Dileep Tiwari, elder son of Adhya Prasad Tiwari were also kept for worship and they were also given monthly salary. There are shops of flower-garland, Prashad, Sweet, Rudraksha etc. in the premises of "Shri Bade/Lete Hanuman Ji temple". Temple is managed by the Mahant of "Baghambari Gaddi", Prayagraj. There are thirteenth Akhadas of saints in India. Niranjani Akhada is also one of them. According to old customs and traditions, as per will of late Mahant of "Bhaghambari Gaddi", his successor is declared by Niranjani Akhada. Mahant Narendra Giri had given the flower-garland shop on rent to co-accused Adhya Prasad Tiwari, whose management was looked after by his younger son co-accused Sandeep Tiwari. From the said shop, co-accused Adya Prasad Tiwari and Sandeep Tiwari made a lot of money. Mahant Narendra Giri had removed Adhya Prasad Tiwari and his son Dileep Tiwari from the post of Priest and flower-garland shop was also taken back from Adhya Prasad Tiwari because of their involvement in conspiracy and raising voice against him and given flower-garland shop to his another disciple Sumit Tiwari. Therefore,

accused persons namely Anand Giri, Adhya Prasad Tiwari and Sandeep Tiwari along with their other associates in collusion with each other adopting different modus–oparandi hatched a criminal conspiracy and mounted pressure upon Mahant Narendra Giri making his character assassination etc. and created in-conducive circumstances with a motive to compel Mahant Narendra Giri to revoke expulsion of accused Anand Giri from Niranjani Akhada, to return the shop of accused Adhya Prasad Tiwari and his son accused Sandeep Tiwari and to restore their position back. In furtherance of the same, they got the objectionable audio dated 22.05.2021 prepared by Purshottam Mishra on the direction of Sandeep Tiwari and further got it circulated with an oblique motive to tarnish the reputation of Mahant Narendra Giri. During triangular conversation which held on 23.5.2021 amongst accused Anand Giri, Mahant Ravindra Puri and Mahant Narendra Giri (deceased), accused Anand Giri mounted pressure on Mahant Narendra Giri to revoke his expulsion immediately and threatened Mahant Narendra Giri to defame him by circulating his objectionable videos and audios which are in his possession, which mounted immense mental pressure on him and compelled him to think about committing suicide.

30. Here it would be apposite to mention that the meaning of suicide requires no explanation. It is an act of self-killing. Suicidal ideation and behaviour in human beings are complex and multifaceted. Every human has different concept and perspective about his life. No standard or straightjacket formula can be laid down with regard to sensitivity of each individuals, because different people behave differently in

same situation. Each person has his own idea of self esteem and self respect. Sometime a comment passed against a person on lighter side are taken very seriously by such persons, who are hyper-sensitive while other persons, who are not so sensitive, behave differently, they ignore even serious comment made against them and try their best to face the situation. Each individual's suicide-ability pattern depends on his inner consciousness of mental pain, fear and loss of self respect. These factors are crucial and exacerbating contributor to an individual's vulnerability to end his life, which may either be an attempt for self-protection or escapism from intolerable self. Therefore in the matters of suicide each case has to be decided on the basis of its own facts and circumstances. If the accused kept on mental torture the deceased by words, deeds or conduct, which may provoke, urge or encourage the deceased to commit suicide is an abetment. It is the basic principle of criminal jurisprudence that a man may tell a lie, but circumstances do not. Even an indirect act of incitement to the commission of suicide would constitute the offence of abetment of suicide under Section 306 of the IPC. The factum of abetment/instigation differs from case to case. Even spectrum of harassment is quite varied as it can be ranged from physical, verbal, mental or even emotional. Where the accused by his acts or continued course of conduct creates such circumstances that deceased was left with no other option except to commit suicide, an instigation may be inferred.

31. Under the facts of the case as mentioned above, I find that there was a proximate between the unfortunate incident of

suicide of Mahant Narendra Giri and acts of the accused persons and their other concerned associates. The test of proximity cannot be too literally construed and practically reduced to a cut-and-dried formula of universal application so as to be confined in a straitjacket. Where the death by suicide is a logical culmination of a continuous harassment or mental pain, each step directly or indirectly connected with the end of life of the deceased are relevant. The facts having a bearing in this case cannot be ignored particularly suicide note and video made by the deceased just before committing suicide and, therefore, I am not inclined to accept the submission of Mr. G.S. Chaturvedi, learned senior counsel for the applicant that there was no proximate link between the suicide of the deceased and acts of the accused persons.

32. Though Mahant Narendra Giri has died because of hanging, but facts of the case reflect that he was hypersensitive man and considering his post and position in the society that he was President of "All India Akhada Parishad", Mahant / Head of Shri Math "Baghambari Gaddi" and "Shri Bade/Lete Hanuman Ji Temple, Prayagraj" was very much depressed on account of the reason that if Anand Giri makes his edited obscene video with a girl viral, then he will not be able to show his face in the society and feels himself humiliated among his known persons and in the society on account of his character assassination by the accused persons and to avoid defamation and insult in the eyes of society, his followers and devotees, he has committed suicide. The said facts are corroborated by the suicide note written by the deceased and video made by the deceased just before his

death as well as other attending circumstances mentioned above. The deceased in his suicide note and video has disclosed the reasons and other compelling circumstances implicating Anand Giri, which prevailed upon him for committing suicide. At this stage, there is no reason to disbelieve the suicide note and video made by the deceased just before his death. Normally it is presumed that no one tells a lie while dying by committing suicide. Thus, abetment of suicide by Anand Giri and his associates, cannot be ruled out at this stage. The submission of Mr. G.S. Chaturvedi that no offence for abetment against Anand Giri is made out, is not liable to be accepted. Further, the contention of Shri Chaturvedi that Mahant Narendra Giri called Mr. Hashim Ali and asked to format the CCTV camera so that after his death anyone else could not know about his activities/misdeed, has no leg to stand inasmuch as there may have been various reasons including technical one for getting the CCTV camera formatted, which does not have any bearing on the fact of the case at this stage.

33. The next submission of Mr. G.S. Chaturvedi that deceased-Mahant Narendra Giri, neither in the suicide note nor during his conversation with Mahant Santosh Das @ Satua Baba disclosed that as to who gave information to him that tomorrow applicant-Anand Giri will viral his edited obscene video with a girl, is concerned, the same is immaterial and submission of Mr. Chaturvedi in this regard is also not liable to be accepted, because suicide note cannot be taken to be encyclopedia of each and every minute details. Merely by non-disclosure of the source of information by the deceased in the

suicide note, the same cannot be disbelieved, because the contents of suicide note depend upon the mental balance of the person concerned at the time of writing the suicide note. Deceased-Mahant Narendra Giri during his last conversation dated 20.09.2021 at about 07:00 AM with Mahant Santosh Das @ Satua Baba also clearly made allegation against Anand Giri. It is also possible that deceased-Mahant Narendra Giri may not have intentionally disclosed the name of the informer, who gave information to him about the act and intention of accused-Anand Giri so that after his death the informer may not be harassed by the accused and his associates in future.

34. The materials collected by the C.B.I. during investigation, tend to show that on account of acts of the applicant and co-accused, the deceased was put under tremendous pressure to do something which he was perhaps not willing to do. The conduct of the applicant and his accomplices was such that the deceased because of fear of his slander was left with no other option, but to end his life. The manner in which the deceased committed suicide, prima facie, indicates that the same is the outcome of cumulative effect of series of acts of accused persons as mentioned above. So far as information gathered by deceased from Haridwar that tomorrow Anand Giri will make his edited obscene video with a girl viral, as mentioned in the suicide note and video made by him just before his death also appear that the same was of definite nature (not imaginary or inferential one), therefore, Mahant Narendra Giri committed suicide. As such, prima-facie case for abetment and instigation is made out against the applicant Anand Giri, hence the provisions of Section 107 IPC are attracted.

35. On the basis of aforesaid analysis of the case, the submission of Mr. G.S.Chaturvedi, learned senior counsel that the applicant is innocent is not liable to be accepted at this pre-trial stage.

36. The further detailed discussion relating to the incident need not be referred to herein since the allegations and the defence thereto is still open to be urged by the parties in the trial Court.

37. So far as judgments relied upon by the learned counsel for the applicant are concerned, there is no dispute about the proposition of law laid down therein, but the same are not helpful to the applicant because the same are distinguishable on facts of this case. It is well settled that every case turns on its own facts. Even one additional or different fact may make a big difference between the conclusion in two cases, because even a single significant detail may alter the entire aspect.

38. So far as affidavit dated 03.07.2022 of the informants is concerned, I find that first information report of this case was lodged on 21.09.2021 on the oral complaint / information of informants Amar Giri and Pawan Maharaj, who are also witnesses, out of five witnesses of the inquest proceeding. Statement under Section 161 CrPC of Amar Giri and Pawan Maharaj were recorded by the then investigating officer of police on 21.09.2021 and both of them supported the contents of F.I.R. During investigation by CBI, their statements were again recorded in which also they did not dispute their statements recorded by the police. Perusal of order-sheet of this case shows that without issuing any notice to informants

namely Amar Giri and Pawan Maharaj, four counsel namely Alok Kumar Dubey, Saumitra Dwivedi, Rishi Shankar Dwivedi and Vinay Prakash Shukla filed their Vakalatnama dated 21.03.2022 on behalf of the informant Amar Giri and they have appeared on several dates to oppose the prayer for bail of the applicant, but on 25.07.2022, when matter was taken up, it was informed by those learned counsel that now they have no instruction to appear in the matter because the informants have engaged new counsel Mr. Niraj Tiwari on 02.07.2022 and got an affidavit dated 03.07.2022 filed through him stating inter-alia that they do not want to oppose the bail application and to say anything. On perusal of the same, I find that the said affidavit dated 03.07.2022 has been filed after six months eleven days of submission of charge sheet dated 20.11.2021 against the applicant-Anand Giri without any explanation of delay. In the affidavit informants taking U-turn stated inter alia that they had not lodged F.I.R. against any particular person. Only Bade Maharaj Ji's death was reported. They do not want any action on the First Information Report and want to take it back, which itself indicates that something is fishy in the matter and possibility of winning over the informants from the accused side cannot be ruled out.

39. In view of the above, this Court is prima-facie satisfied and finds force in the submission of learned counsel for the State and C.B.I. that in case, applicant is released on bail, there is every likelihood of winning over the other witnesses and tampering the evidences.

40. As a fallout and consequence of aforesaid discussion, considering the facts, materials on record and other attending circumstances of the case, which are relevant for the purpose of deciding this bail application, submissions advanced on behalf of parties, complicity of the applicant, gravity of the offence and severity of the punishment as well as possibility of tampering the evidences and winning over the witnesses as noted above, I do not find any good ground to grant bail to the applicant at this stage.

Result

41. The bail application lacks merit and is accordingly **rejected.**

Observation and direction

42. It is clarified that the observations, if any, made herein above are strictly confined to the disposal of the bail application and shall not be construed to have any reflection on the ultimate merits of the case.

43. However, considering the detention period of the applicant-Anand Giri alias Ashok Kumar Chotiya in jail since 21.09.2022, it is directed that the trial Court shall make all endeavour to conclude the trial of the applicant expeditiously without granting unnecessary adjournment to either of the parties. Applicant-Anand Giri shall co-operate with the trial and either of the parties shall not seek unnecessary adjournment.

44. Office is directed to send a copy of this order forthwith to the concerned court below for compliance.

Date : 09.09.2022

Ishrat

(Justice Sanjay Kumar Singh)