

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.6699 of 2014

Chetaramsingh Girirajsingh Gujar. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. R.N. Dhorde, Senior Advocate, instructed by Shri.
Vishal A. Bagdiya, Advocate, for applicant.

Shri. R.P. Phatke, Additional Public Prosecutor, for
respondent.

Shri. P.B. Waghmare, Advocate, to assist the APP.

CORAM: T.V. NALAWADE, J.

DATE : 7th JANUARY 2015

ORDER:

1) The application is filed for relief of anticipatory bail. Both the sides are heard. This Court has perused papers of investigation which include suicide note left behind by the deceased and a diary collected from one witness during investigation which bears signatures of the accused showing that they received the amount as *Bhishi*.

2) Crime is registered on the basis of report given by Bhausahab, brother of the deceased. The deceased was working with the present applicant and it is alleged that he was collecting contribution of the persons for depositing it as deposits with the applicant and the scheme was called as *Bhishi*. Handsome interest was promised by the applicant. Allegations are made that when time came of returning the amount, the applicant created dispute. It is contended that at least amount of Rs.38 lakh was due from the applicant. But he avoided to make payment and he picked up quarrel. Ultimately after the last quarrel which took place in the house of the sister of the deceased, the deceased committed suicide by hanging himself and left behind a suicidal note. He wrote the suicidal note on the wall of the said premises also.

3) The suicidal note shows that the deceased was collecting money from his relatives and others and he was depositing the amount with the present applicant as there was promise to pay handsome interest on it. The note discloses that there were transactions of more than two crore rupees but the applicant said that he owes only

amount of Rs.38 lakhs when the amount due was much more. He has disclosed that the applicant refused to give even the amount of Rs. 38 lakh and due to that he was facing harassment. He has disclosed in the suicidal note that he had collected amount by taking loan from various financial institutions.

4) The papers of investigation collected during investigation show that loan of Rs. 8 lakh was taken by the deceased by mortgaging land in February 2014. Loan of Rs.8.5 lakh was taken from IDBI bank on 19-9-2013. Loan of Rs. two lakh was taken from HDFC bank and loan of Rs. 6 lakh was taken from other financial institutions. Thus the material of the investigation is consistent with the contents of the suicidal note. Now a diary is recovered from one witness to show that the applicant was really involved in the said transactions. At present there is material of aforesaid nature and in the suicidal note it is mentioned that due to aforesaid circumstances there was no alternative before him than to commit suicide. He has made mention of other things like commission of murder by the present applicant of a person from UP. He has

mentioned that many other persons are similarly deceived and they may also commit suicide.

5) It appears that the previous investigating officer was not making investigation properly and this Court (presided by other Hon'ble Judge) by an order dated 24th December 2014 in the present proceeding directed to change the investigating officer.

6) The learned Senior Counsel submitted that the contents of the suicidal note as they are, are not sufficient to hold that it is a case of abetment of suicide. This submission is not acceptable. This contention can be considered during trial and on the basis of entire material which may be collected during investigation. In view aforesaid disclosure made in the suicidal note, custodial interrogation is a must. This Court holds that it is not a fit case to grant relief of anticipatory bail. In the result, the application is rejected. Interim relief is vacated.

Sd/-
(T.V. NALAWADE, J.)

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