

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.385 OF 2015

Paresh Shah .Applicant

V/s.

The State of Maharashtra .Respondent

Ms Pranothi Pawar i/b. Ms Mallika Ingale,
Advocate, for the Applicant

Mrs.P.P.Shinde, APP, for the Respondent -
State

CORAM : REVATI MOHITE DERE, J.

DATE : 5TH MAY, 2015

P.C.

. Heard the learned counsel for the
applicant and the learned APP for the
respondent – State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.
No.343 of 2014 registered with the Malad
Police Station, Mumbai, for the alleged
offences punishable under Sections 306, 323,

506, 34 of the Indian Penal Code.

3. According to the complainant, her husband was doing business in share market and was indulging in the buying and selling of shares. It is alleged that the complainant's husband was working along with the Applicant and 3 other co-accused and that her husband used to execute share transactions on his personal laptop. It is alleged that on 19th August, 2014 at about 6 p.m., the applicant and 3 other co-accused, had asked her husband to return the money which they had invested in the share market. Since the husband of the complainant was not home, it is alleged that the accused persons threatened the complainant's mother-in-law of dire consequences and also carried away the laptop of complainant's husband along with them. It is alleged that on 20th August, 2014, the applicant and other co-accused assaulted the complainant's husband about which he had

informed the complainant. It is alleged that on 21st August, 2014, the complainant was dropped at her maternal house by her husband and she was told that he would meet his friend and return. It is alleged that at about 3.15 p.m. the complainant received a message from her husband stating "kaku ni tya pachad avi jaje take care jumping". It is alleged that when the complainant reached the house of her husband, she found her husband lying in pool of blood. Pursuant to the above, the complainant has lodged the aforesaid complaint.

4. The learned counsel for the applicant states that prima facie taking the prosecution as it stands, no offence punishable under Section 306 of the Indian Penal Code is made out. It appears that the deceased had taken the loan from the applicant and when asked to repay the same, has committed suicide.

5. Considering the nature of allegations, the applicant is entitled to be enlarged on bail on the following terms & conditions :-

(i) The applicant, in the event of his arrest, be enlarged on bail on executing P.R.Bond in the sum of Rs.15,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the investigating officer of the Malad Police Station, Mumbai;

(iii) The applicant to co-operate with the investigating agency and shall not tamper or attempt to influence the witnesses or any person concerned with the case;

(iv) The aforesaid observations are prima facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in

this order.

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)