

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1208 OF 2015

Siddheshwar Mohan Dhumal .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Vijay Tapkir i/b. Ms Aparna R. More,
Advocate, for the Applicant

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

CORAM : REVATI MOHITE DERE, J.

DATE : 19.08.2015

P.C.

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

2. By this application, the applicant
seeks pre-arrest bail in connection with
C.R.No.111 of 2015 registered with the Mundhwa
Police Station, Pune, for the alleged offence
punishable under Sections 306 read with Section
34 of the Indian Penal Code, 1870.

3. The deceased is one Sagar Subhash Shinde. The complaint has been lodged by the father-in-law of the deceased on the basis of certain disclosures which were made by Sagar to him. It appears that an amount of Rs.1,00,000/- was given by the present applicant to the deceased as he was in need of money. It appears that the said amount of Rs.1,00,000/- was handed over by the deceased to one Firoz Khan with whom he had a transaction. It is alleged that the present applicant was demanding money back from the deceased as a result of which he was under some pressure. It is alleged in the complaint that the present applicant was pressurizing and harassing the deceased to return Rs.1,00,000/- that was taken by Sagar from the applicant and that there were other borrowers who were also harassing him and demanding money. It appears that the complainant who is the father-in-law of the deceased had issued a cheque of

Rs.1,00,000/- so as to enable the deceased to give the said cheque to the applicant. The incident in question took place on 20.07.2015. It is alleged that the deceased was under an apprehension that if the cheque was dishonoured, the applicant would harass him as a result of which he consumed pesticide. Accordingly, the aforesaid FIR was lodged by the father-in-law of the deceased.

4. Learned counsel for the applicant submitted that no offence under Section 306 is disclosed. He submitted that the applicant cannot be held responsible for the suicide of the deceased.

5. Learned APP pointed out to the suicide note written by the deceased. Perused the suicide note. It appears that the deceased had borrowed a sum of Rs.1,00,000/- from the

applicant which was given by the deceased to Firoz Khan. It also appears that the applicant was demanding the said amount back from the deceased as a result of which the applicant is stated to have been under stress and pressure. It also appears that apart from the applicant, the deceased had monetary transactions with several other persons, who too were demanding money back from the deceased, as a result of which he committed suicide.

6. Considering the nature of allegations, prima facie, it is doubtful whether the allegations would constitute an offence punishable under Section 306 of the Indian Penal Code. Accordingly, the applicant is entitled to pre-arrest bail on the following terms and conditions:

(i) In the event of arrest, the applicant be enlarged on bail on furnishing P.R.Bond in

the sum of Rs.10,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall attend Mundhwa Police Station, Pune on every Saturday between 10.00 a.m. to 11.00 a.m. till filing of the charge sheet.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)