

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

A.B.APPLICATION NO.1532 OF 2015

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|----------------------|--------------|
| Aadesh Ashok Patil   | ..Applicant  |
| -Versus-             |              |
| State of Maharashtra | ..Respondent |

Mr.Niranjan Mundargi i/b. Devidas Jajhav for applicant  
Ms.S.S.Kaushik, APP for respondent State.

WITH

A.B.APPLICATION NO.1692 OF 2015

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|----------------------|--------------|
| Shyam Shankar Patil  | ..Applicant  |
| Versus               |              |
| State of Maharashtra | ..Respondent |

Mr. Momin Fohd. Farooque Nisar for applicants  
Ms. S.S.Kaushi, APP for State  
Mr. S.G.Kale, Padgha Police Station, Thane Rural present.

CORAM : A.S.GADKARI, J.

DATE : 18<sup>th</sup> November 2015.

P.C.

1] The applicants are apprehending arrest in C.R.No.I-131 of 2015 registered with Padgha Police Station, Dist. Thane under section 306, 420, 504, 506 read with 34 of Indian Penal Code. It is the case of the prosecution that the deceased Namdeo Patil had

agreed to sell his landed property to the applicant Aadesh Ashok Patil and in pursuance thereof, he had received a token amount of Rs.20,000/-. The said act was executed on a stamp paper. The said sale transaction had taken place by the mediation of the applicant Shyam Shankar Patil and other two persons. In short, Shyam Shankar Patil, (Applicant in A.B.Application No.1692 of 2015) Suresh Ladku Patil and Bala Shyam Patil had acted as agents in the said transaction. It is the further case of the prosecution that on 16<sup>th</sup> August 2015, present applicants along with Bala and Suresh showed documents to the said Namdeo (deceased) wherein instead of Rs.20,000/- an amount of Rs.2 lakhs was mentioned and they demanded back the amount of Rs.2 lakhs from him. They also threatened the deceased with dire consequences if the amount of Rs.2 lakhs is not paid back. In pursuance thereof, the deceased on 19<sup>th</sup> August 2015 at about 8.30 p.m. committed suicide by consuming "Rogar", one type of pesticide. Thereafter, the said Namdeo was admitted to the civil hospital, Thane. The complainant – Police Constable recorded the dying declaration of the deceased, wherein the deceased has specifically and categorically named the present applicants along

with their role. The dying declaration is treated as F.I.R.

2] A perusal of the F.I.R. dated 20<sup>th</sup> August 2015 makes it absolutely clear that the applicants were instrumental in pressurising the deceased and threatening him for return of the alleged Rs. 2 lakhs by adopting coercive method. The deceased Namdeo Patil could not bear the said threats and in pursuance of the threats and harassment meted out by the applicants and other co-accused the said deceased consumed "Rogar" and subsequently died in the hospital.

3] Learned Counsel for the applicants submitted that as a matter of fact documents on record shows that no amount as mentioned in the dying declaration of Rs.2 lakhs has been mentioned in the subject document and the amount mentioned therein is totally different. In my considered opinion, it is the part of investigation. According to me, this is a serious case where custodial interrogation of the applicants is necessary. This application is accordingly dismissed.

4] At this stage, the learned Counsel for the applicants prays for continuation of ad-interim relief granted earlier. Learned APP vehemently opposes the prayer for continuation of ad-interim relief. In the circumstances of the case, the prayer for continuation of ad-interim relief is rejected.

(A.S.GADKARI, J)