

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1853 OF 2015

Ashok Dadarao Tambe ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. A.H.H.Ponda i/b. Ashish Raghuvanshi for the Applicant
Mrs. G.P.Mulekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 09, 2015.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.375 of 2015 registered with Sarkarwada Police Station, Nashik for the offence punishable under Section 306 of the Indian Penal Code.

2. Shir Ponda, the learned counsel for the applicant has submitted that the deceased Madkukar Chaudhari was a close friend of the applicant and that he was depressed due to financial dues. Learned

Counsel Shri Ponda has further submitted that on 27.10.2015 the deceased had visited the house of the applicant and had shared his difficulties with the applicant and had thereafter committed suicide. He has stated that the applicant and his wife had taken the deceased to the hospital, however he expired on the same day. He has submitted that there is no prima facie material to show that the applicant had in any manner aided or abetted the deceased in commission of suicide.

3. The learned APP has submitted that the records prima facie reveal that the applicant herein had deceived the deceased by selling his land to one Mohammed Mukit. She has stated that though the sale deed reveals that said Mohd. Mukit had paid Rs.3 lakhs to the deceased, no such amount was in fact paid to the deceased.

4. I have perused the records and considered the submissions advanced by the learned Counsel for the applicant and the learned APP for the State. The records prima facie reveal that Madhukar had committed suicide on 29.10.2015. The widow of the deceased had

lodged the FIR on 30.10.2015 alleging that her husband was in need of money and had planned to mortgage his property bearing Gut No.136, Plot No.20 situated at Aurangabad. She has stated that the applicant and her husband were close friends, and that at the instance of the applicant her husband had mortgaged the said plot in favour of Mohd. Abdul Mukit. She has stated that despite said mortgage, her husband had not received the sum of Rs.3 lakhs. She had further stated that the applicant had called her husband to Nashik to receive said money. She has stated that her husband had gone to Nashik for collecting the money and was staying with the applicant, and that on 29.10.15 the applicant informed her that her husband had committed suicide. She had alleged that her husband had committed suicide as the applicant had avoided to pay Rs. 3 lakhs to her husband.

5. It may be mentioned that the sale deed dated 27.3.2015 prima facie reveals that the deceased had sold his property in favour of Mohd. Abdul Mukit for a price of Rs.2.50 lakhs. The sale deed prima facie reveals that the deceased had received the said amount. The

statement of one of the witnesses also prima facie reveals that the deceased was aware about the contents of the said sale deed.

6. It may be mentioned here that to bring the offence under Section 306 IPC there has to be prima facie material to show that the applicant had abetted the suicide. In the instant case, there is no prima facie material to show that the applicant had committed any such act which constitutes abetment within the meaning of Section 107 of I.P.C. Taking into consideration the nature of the allegations, in my considered view, this is not a case which would justify custodial interrogation. The applicant is a permanent resident of Nashik and has deep roots in the society. There are no chances of the applicant absconding, or thwarting the course of justice.

7. In view of the above, the application is allowed on the following terms and conditions:

i) In the event of arrest of the applicant in Crime No.375 of 2015 of Sarkarwada Police Station, Nashik, the applicant be released on bail on the applicant furnishing bail bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount to

the satisfaction of the learned JMFC, Nashik.

ii) The applicant shall report to the Investigating Officer for seven days between 10 a.m. to 1.p.m. and further as when required by the Investigating Officer for the purpose of investigation and interrogation.

iii) The applicant shall not interfere in any manner with the prosecution witnesses.

(ANUJA PRABHUDESSAI, J.)