

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

CRIMINAL APPLICATION NO. 3698 OF 2016

Vishwajit s/o. Ramesh Kasar .. Applicant
Age. 24 years, Occ. Service,
R/o. Walki, Tq. Nagar,
Dist. Ahmednagar.

Versus

The State of Maharashtra .. Respondent

Mr.N.C. Garud, Advocate for the applicant.
Mr.S.J. Salgare, APP for respondent/State.

**CORAM : A.M. BADAR,J.
DATED : 24.10.2016**

P.C. :-

1. The applicant/accused in Crime No.I-60 of 2015, registered with Karjat Police Station, Dist. Ahmednagar, for the offences punishable under sections 306, 420, 468, 504, 506 read with section 34 of the Indian Penal Code, by this application, is seeking his release on bail after filing of charge-sheet.

2. Heard learned Counsel for the applicant. He argued that the investigation is over and apart from merits, the applicant is seeking bail on medical ground also, because he is suffering from multiple ailments.

3. Learned A.P.P. opposed the application by contending that the crime in question is serious and the witnesses are supporting the prosecution case. Learned A.P.P. further argued that apart from this offence, three similar offences are registered against the present applicant.

4. I have considered the rival submissions and perused the charge-sheet. The crime in question is registered on the basis of report of Vijay Kshirsagar (brother-in-law of Sachin Dnyandeo Kale). According to the prosecution case, the applicant promised deceased Sachin Dnyandeo Kale as well as other young persons, named, Sandip and Amol to provide public employment to them on payment of Rs.5.50 lakhs by each of them. Accordingly, from time to time, the applicant was paid the amount demanded by him. However, instead of providing permanent employment to those three persons, the applicant had provided temporary private employment to them at the Airport at Mumbai. Similarly according to the prosecution case, subsequently when there was insistence for refund of amount by victims of the crime in question, the applicant had supplied forged appointment order as Traffic Controller with the railways. Ultimately, being unable to bear harassment

and cheating at the instance of present applicant, Sachin Dnyandeo Kale committed suicide by hanging at his village Nimgaon on 04.02.2015.

5. Deceased Sachin had allegedly written a suicide note pointing finger of accusation at the present applicant by stating that when he asked the present applicant to refund the amount, the applicant threatened to kill him. Therefore, he is committing suicide.

6. So far as offence punishable under section 306 of the Indian Penal Code is concerned, it requires mens rea and without intention and knowledge, there cannot be abetment. Averments against the present applicant are to the effect that he has cheated aspiring youths by collecting money from them on the pretext of providing public employment and subsequently threatened them. This has resulted in commission of suicide by such of victim.

7. Considering the nature of allegations against the present applicant and the fact that he is suffering from several ailments, after filing of charge-sheet, his further pre-trial detention is not warranted. Hence, the following order :-

O R D E R

- i) The application is allowed.
- ii) The Applicant/accused-Vishwajit s/o. Ramesh Kasar in Crime No.I-60 of 2015, registered with Karjat Police Station, Dist. Ahmednagar, for the offences punishable under sections 306, 420, 468, 504, 506 read with section 34 of the Indian Penal Code, be released on bail on executing P.R.Bond of Rs.30,000/- [Rupees Thirty Thousand] and on furnishing surety in the like amount.
- iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.
- iv) The applicant shall not tamper the evidence of the prosecution.
- (v) The applicant to co-operate the trial Court in the expeditious disposal of trial against him and the applicant shall not repeat commission of similar offence in future.

[A.M. BADAR, J.]