

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

CRIMINAL APPLICATION NO. 5652 OF 2015

The State of Maharashtra

... Applicant

VERSUS

Sharad Manik Dhere,
Age : 31 years, Occu. Agri,
R/o. Ashok Nagar, Nilanga,
Tq. Nilanga, Dist. Latur.

... Respondent

.....
Mr K. D. Munde, APP for applicant/State
Mr P. P. More, Advocate for respondent
.....

WITH

CRIMINAL APPLICATION NO. 5653 OF 2015

The State of Maharashtra

... Applicant

VERSUS

Vikram S/o Shrimant Patil,
Age : 35 years, Occu. Business,
R/o. Nanded at present
Krishna Web Word, Shivkamal Silver Ark,
Nandi Stop, Latur.

... Respondent

.....
Mr K. D. Munde, APP for applicant/State
Mr Sunil M. Vibhute, Advocate for respondent
.....

WITH

CRIMINAL APPLICATION NO. 5654 OF 2015

The State of Maharashtra

... Applicant

VERSUS

Ankush Manik Dhere,
Age : years, Occu. Business & Agri.,
R/o. Ashok Nagar, Nilanga,
Tq. Nilanga, Dist. Latur.

... Respondent

.....
Mr K. D. Munde, APP for applicant/State
Mr P. P. More, Advocate for respondent
.....

CORAM : **N. W. SAMBRE, J.**

DATE : **13TH JANUARY, 2016.**

PER COURT:

. One Chandpasha Patel, father of deceased Iqbal lodged a complaint alleging therein that his son Iqbal committed suicide, which was abetted by the non-applicants herein resulting into registration of Crime No. 80 of 2015 on 13th August, 2015 for an incident dt. 8th August, 2015.

2. The prosecution story in brief is that, the deceased Iqbal with an intention to start his own business of building hardware had borrowed an amount from the present non-applicants, who are indulging in the business of money lending. According to prosecution, the deceased, who was pressurized by the non-applicants and was threatened with dire consequences, upon threats to his family members, has committed suicide. The non-applicants have also removed the tractor from the custody of the deceased.

3. The said registration of crime has prompted the present non-applicants to move the learned Sessions Court under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail. The said application came to be allowed by an order dt. 27th August, 2015. As such, the present applications for cancellation of bail both on merits and on the ground of jumping the bail conditions.

4. The learned APP while trying to make out a case for cancellation of bail would urge that, the evidence that is collected during the investigation against the present non-applicants reveals the fact that the non-applicants have not surrendered the tractor and the other material viz. blank cheques and bonds to the Police and as such, their bail needs to be cancelled. He would then urge that, the non-applicants have posed threats to the complainant on 20th September, 2015 resulting into an entry to that effect in the Station Diary and as such, in view of this also, the application for cancellation of bail is liable to be allowed.

5. Shri. Mustafa, the learned counsel for the complainant through learned APP submits that, the tractor in question is in the custody of police. He would then urge that, the blank cheques and bond papers are not surrendered by the present non-applicants/accused persons. He would then submits that, in view of threats posed to the complainant and his family members, the application for cancellation of bail needs to be allowed.

6. Shri. More, learned counsel for the non-applicants – accused would urge that, the non-applicants/accused still stand by the observations made by the learned Sessions Court while granting the bail. He has invited attention of this court to Application No. 49 of 2015 preferred before the learned Sessions Court praying therein initiation of action against the Investigating Officer. It is further required to be noted that, according to him the fact remains that the tractor is lying in the police station and it is always open for the complainant to seek custody of the same on supratnama. He would then urge that, the application for grant of pre-arrest bail was allowed on merits and the non-applicants have not jumped any of the bail conditions. According to him, the application is liable to be rejected.

7. Having bestowed my thoughts to the submissions made, it is required to be noted that the ld. Addl. Sessions Judge, Nilanga while allowing the application for grant of bail has dealt with the issue involved therein on merit. The fact remains that, the complainant in the Court through his counsel has admitted that the tractor is lying idle in the police station. So far as the blank cheques and the bonds are concerned as stated by Shri. More, the learned counsel for the non-applicants, he is ready and willing to surrender the same to the Investigating Agency. However, it is to be noted that, the Investigating Officer while objecting the contents of the application No. 49 of 2015 before the learned Sessions Court, has stated that the present non-

applicants are not subjected to any interrogation or no arrest is made, as such the said documents are not seized from the non-applicants. According to him, so far as issue as regards complaint against the present non-applicants about threats is concerned, it is open for Investigating Agency to investigate the same, however, no ground to that effect is raised in the application.

8. It is to be noted herein that, the fact remains that, about the issue of threat to the complainant or his family members no specific ground is raised in the application. Apart from above, the fact remains that the applicant is ready and willing to surrender the blank cheques and bonds to the Investigating Officer.

9. In this background, in view of the fact that there is no violation of the conditions of bail as are noticed herein and the order passed by the learned Sessions Court on merits does not call for any interference. It will be appropriate, to reject all these applications. As such, the applications stand rejected.

10. So far as case of Vikram Patil is concerned, it is reported that the blank cheques and bonds executed by the deceased Iqbal are already in the custody of Sub-Registrar, Cooperative Societies, who is authorized to deal with the matter under the Money Lending Act. However, it is required to be noted that since the investigation in the matter is not yet complete and same is

at preliminary stage, it will be appropriate, in my opinion, to add the following conditions.

(i) The Non-applicants shall attend the concerned Police Station everyday from 18th to 20th January, 2016 between 10.00 am to 12.00 noon and thereafter as and when called by the Investigating Officer

(ii) But for attending the concerned police station, the non-applicants shall keep themselves away from the jurisdiction of the police station till filing of the charge-sheet but for investigation purpose.

11. Criminal Applications stand disposed of.

[N. W. SAMBRE]
JUDGE

sgp