

Anand

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

ANTICIPATORY BAIL APPLICATION No.382 OF 2016

Shrikant Chimanrao Jadhav .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Kuldeep Patil, Advocate, for the Applicant
Mr.D.P.Adsule, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 16.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks pre-arrest bail in connection with C.R.No.
273 of 2015 registered with the Islampur Police
Station, District – Sangli, for the alleged
offence punishable under Section 306 r/w.34 of
the Indian Penal Code and under Sections 32 & 33
of the Bombay Money-Lenders Act.

3. The Complainant is the brother-in-law of the deceased-Sanjay Yadav. He has stated that the deceased was married to his younger sister in 2010 and they had two children, son aged 4 years and a daughter aged 6 months. He has alleged that the deceased had taken a loan of Rs.7,00,000/- to Rs.8,00,000/- from four persons and was repaying the loan amount with 10% interest per month. He has stated that the deceased had taken Rs.3,00,000/- from Vikas Kumar Patil and had paid him interest per month, however, Vikas Patil was demanding Rs.5 lacs from him. Similarly, the Applicant had also given a sum of Rs.1,00,000/- and the co-accused had given a loan of Rs.20,000/- & Rs.30,000/- and that all the said persons were demanding their money back with interest, which was three times more than what the deceased had taken from them, when in fact, he had paid the interest amount to the said persons. He has alleged that the said accused persons, including the

Applicant were threatening the deceased and were continuously demanding money, as a result of which the deceased killed his two children and thereafter, committed suicide with his wife.

4. Learned counsel for the Applicant submits that it was only a money transaction, between the Applicant and the deceased and that the Applicant was only asking for the money, that was advanced to the deceased, and as such, the said act will not constitute an offence of abetment. He submitted that there was nothing to show that the Applicant was doing the business of money lending and that he was lending money to several persons.

5. Learned APP opposes the Bail Application. He submitted that the Applicant had advanced a loan and was taking interest of 10% per month from the deceased and in fact much more. He submitted that there is a statement of

one witness, as well as, a 164 statement which shows that the Applicant had got some documents notarized and some blank cheques signed from the deceased, prior to the incident. He submitted that the statement of one witness, Vipul Patil, a hotel owner shows that one day prior to the incident, he had witnessed a verbal altercation between the deceased and the present Applicant. He has stated that the deceased disclosed to him, that the Applicant was demanding money and requested him to tell the Applicant to give him two days time, to pay back the money.

6. Perused the papers. Admittedly, all the other co-accused in the said case, who had also advanced loan to the deceased are arrested and are presently in custody. It appears from the statement of the witnesses and the 164 statement, that the Applicant had got certain documents notarized and had taken some blank cheques from the deceased. It appears that even

a day prior to the incident, the Applicant and the deceased had a verbal altercation in a hotel and that the Applicant was requesting some time to pay back the money. The Applicant is stated to be a money lender, who had advanced a loan to the deceased with 10% interest per month. It appears, prima facie, that on account of the pressure and the unlawful demand from the Applicant & the co-accused, the deceased and his wife committed suicide and the deceased killed his two infant children before committing suicide. Considering the peculiar facts of the case, custodial interrogation of the Applicant would be necessary for the purpose of obtaining the blank cheques and the notarized documents taken by the Applicant from the deceased.

7. Accordingly, the Anticipatory Bail Application stands rejected.

8. If an Application for regular bail is filed, the learned Judge shall consider the same on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)