

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

CRIMINAL APPLICATION NO. 1174 OF 2017

Shrinivas Ashanna Satelikar .. Applicant
Age. 45 years, Occ. Business & Social
Worker, R/at 101, Yash Apartment,
Kailas Nagar, Nanded – 431 605.

Versus

The State of Maharashtra .. Respondent

Mr.Anand Chawre, Advocate for the applicant.
Mr.R.V. Dasalkar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.
DATED : 19.04.2017

P.C. :-

1. This application is filed for anticipatory bail. Both the sides are heard. Papers of investigation were made available to this Court for perusal.

2. The crime is registered on the basis of report given by Ramprasad. Deceased Shivaji was his brother. About two years prior to the incident, the deceased had executed a document in favour of present applicant and it is contended that it was a mortgage transaction, though the document of sale-deed was executed. It is his contention that an amount of Rs.4 lakh was taken as loan by Shivaji and he was to return the amount with 3%

interest. In the sale-deed the amount of consideration is mentioned as Rs.5 lakh. Out of the aforesaid amount of Rs.4 lakh, Shivaji had given hand-loan of Rs.2 lakh to Gajanan Kadam. It is contended that Gajanan Kadam was not returning the amount and was harassing the deceased. To return the amount of present applicant, the deceased had then taken hand-loan from Amarjitsingh and Indrapal and they were after him and they were giving threats to him. However, exact amount which was allegedly taken from these two persons by the deceased as hand-loan is not mentioned. Ultimately on 31.01.2017 the deceased hanged himself in the field of Satyanarayan Kabra for committing suicide. He had left behind him suicide note in which he has blamed mainly Gajanan. He had given application to police on 27.12.2016 that he had taken hand-loan from his friend and he had returned an amount of Rs.50,000/- but Indrapal was harassing him. However, name of Indrapal is not mentioned in the suicide note. The document executed in favour of present applicant is of sale and not of mortgage. In view of the nature of allegation, this Court had asked learned A.P.P. to ascertain whether present applicant is involved in money lending business. Learned A.P.P. confirmed that during enquiry it did not transpire that present applicant is doing money lending business. In view of these circumstances, this Court holds that protection needs to be given to the present applicant.

- i. In the result, the application is allowed.
- ii. The interim relief granted on 09.03.2017 in favour of the applicant is confirmed. The applicant is to attend the concerned police station on Sunday between 10.00 a.m. to 12.00 noon for next one month and co-operate in the investigation.

[T.V. NALAWADE, J.]