

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

Criminal Application No.1366 of 2017

Suryakant s/o Vitthal Ballewad. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Upendra B. Bilolikar, Advocate, for applicant.

Shri. S.J. Salgare, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 23 March 2017

ORDER:

1) The application is filed for bail. Learned counsel for the applicant submitted that this is the first application filed for bail in this Court. Both the sides are heard.

2) The crime is registered on the basis of report given by the widow of the deceased. Allegations are made that the deceased had agreed to purchase agricultural

land of the present applicant for consideration of Rs.19.25 lakh. Some amount was given by the deceased to the present applicant. The deceased then became sick and he could not make payment of the remaining amount. Then there was settlement, as per the version of the widow, to cancel the transaction and to return the amount to the deceased. Accordingly, Rs.8.32 lakh was returned by the applicant. The widow has contended that the present applicant was not ready to return the amount of Rs.3.32 lakh and due that there was harassment to the deceased. The deceased committed suicide on 19-2-2017 in his house by hanging himself.

3) Learned Additional Public Prosecutor has shown to this Court one suicide note purportedly in the hand writing of the deceased. This Court has carefully gone through the contents of the said chit. Nowhere in the said chit there is mention that deceased had intention to commit suicide. The deceased was sick and there was settlement in respect of the transaction which had taken place between the applicant and the deceased.

4) The applicant is behind the bars since 19-2-2017. In view of the nature of the material collected against the applicant this Court holds that it is not desirable to keep the applicant behind the bars till the disposal of the case which may be filed against him.

5) In the result, the application is allowed. The applicant is to be released on bail in connection with Crime No.43/2017 registered in Mukramabad Police Station, District Nanded for offence punishable under section 306 of the Indian Penal Code on his furnishing P.B. and S.B. of Rs.25,000/-. The applicant is not to tamper with the prosecution witness. He is not to commit similar offence.

Sd/-
(T.V. NALAWADE, J.)

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