

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 381 OF 2017**

Tanaji Tukaram Pasalkar

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Prashant M. Patil for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 7th APRIL, 2017

P.C.

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 41 of 2017 registered with the Dattawadi Police Station, for the alleged offence punishable under Section 306 of the Indian Penal Code.
3. Learned Counsel for the applicant submitted that taking the prosecution case as it stands, no offence under Section 306 of the IPC is disclosed.

4. Learned A.P.P opposed the bail application.

5. Perused the papers. According to the prosecution, the applicant had given a loan of Rs. 1,50,000/- to Rajesh Jagtap (deceased) and as Rajesh had not returned the money as promised, the applicant was threatening him to return the same. It is alleged that due to the said threats, Rajesh committed suicide. The complainant is Sujata Jagtap, the wife of the deceased. The complainant has stated in her complaint that on 29th January, 2017, two unknown persons came to their house and told her to contact the applicant-accused, who threatened her. She has alleged that due to constant demand and threats by the applicant, her husband Rajesh was disturbed and hence, he committed suicide on 3rd February, 2017. It appears that the deceased had written one chit, which was found in his wallet wherein, he has held the applicant responsible for his decision to commit suicide.

6. The incident is indeed unfortunate. It appears that the applicant had given a loan of Rs. 1,50,000/- three months prior to the date

of incident and was demanding the said amount back from the deceased. It also appears that the deceased-Rajesh was asking the applicant to adjust the amount of Rs. 1,00,000/- towards a magnetic belt which was purchased by the applicant's son from the deceased 8 years prior.

7. In the peculiar facts of this case and without going into the question whether Section 306 of the IPC would apply or not, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called for;
- (iii) The applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case.

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the investigating agency.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear, that the observations made herein are *prima facie*, for the purpose of deciding this application.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.