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

ANTICIPATORY BAIL APPLICATION NO.673 OF 2017

Vikas Suresh Bhuite	...Applicant
Versus	
The State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.463 OF 2017

Prafulkumar Dnyanoba Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.P.G.Chavan, for the Applicant in ABA No.673 of 2017.

Mr.V.V.Purwant, for the Applicant in ABA No.463 of 2017.

Mr.S.H.Yadav, A.P.P for the Respondent-State

PSI – G.D.Shinde, Pandharpur Taluka Police Station, Solapur.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By these applications, the applicants seek pre-arrest bail in

connection with C.R. No. 108 of 2017 registered with the Pandharpur Taluka Police Station, for the alleged offence punishable under Sections 306 r/w 34 of the Indian Penal Code.

3. According to the complainant-Smt.Swati Nitin Anerao, her husband-Nitin committed suicide as he was cheated by the Applicants and one Munna@Prashant Pardeshi. She has stated that although Munna@Prashant Pardeshi had promised a sum of Rs.2,50,000/- towards purchase of her husband's land, only a sum of Rs.50,000/- was paid. She has alleged that Munna@Prashant Pardeshi had told her husband-Nitin to disclose before the Registrar, that he had received the entire amount despite the fact, that he had not been paid the said amount. Pursuant thereto, a Sale Deed was entered into between the deceased-Nitin and Sadik Pathan on one hand and Aniket Shete on the other. She has stated that as Munna@Prashant Pardeshi had not given the entire amount, the money lenders from whom the deceased-Nitin had taken money were harassing him. As far as Applicant-Prafulkumar Patil is concerned, she has alleged that her husband-Nitin had helped Prafulkumar Patil to take a loan from Applicant - Vikas Bhuite. However, as Prafulkumar Patil failed to return

the said amount to Vikas Bhuite, Vikas Bhuite was harassing her husband-Nitin. She has stated that on account of the harassment by the said persons, her husband-Nitin committed suicide on 17.02.2017.

4. Learned Counsel for the applicants – Vikas Suresh Bhuite and Prafulkumar Dnyanoba Patil have tendered an affidavit-cum-undertaking of the respective applicants. The said affidavit-cum-undertakings are taken on record and marked 'X' colly for identification and are kept in respective applications. In the said affidavit-cum-undertaking both have stated that they will not claim any amount directly or indirectly from the complainant or from the legal heirs of the deceased. It appears from the perusal of the suicide notes that the allegations are against Munna@Prashant Pardeshi and the present applicants. Both the transactions are admittedly separate transactions. Both, the learned counsel for the applicants dispute the said transaction between Prafulkumar and Vikas and state that the allegations made are false. A perusal of the suicide note shows that the main allegations are qua Munna@Prashant Pardeshi and not against the applicants though there is reference to their names and the transaction. According to the deceased, he had introduced Prafulkumar to Vikas, as

Prafulkumar wanted a hand loan. It is alleged that as Prafulkumar was not returning the hand loan amount to Vikas, Vikas was demanding the said money from the deceased. It appears that the deceased was indebted to several people.

5. Considering the peculiar facts of this case and the nature of allegations, qua the applicants, the applications are allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.50,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station every Monday, between 10.00 a.m. to 11.00 a.m., for a period of two months or till the filing of the charge-sheet, whichever is earlier;

(iii) The applicants shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case.

(iv) The applicants shall inform their latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the Investigating Officer of the concerned Police Station, in writing;

(v) The applicants shall co-operate with the Investigating Agency.

6. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to the aforesaid applications.

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

(REVATI MOHITE DERE, J.)