

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

**ANTICIPATORY BAIL APPLICATION NO. 1504 OF 2017**

1. Shivaji Ramchandra Tule  
2. Hari Ramchandra Tule **... Applicants**

**V/s.**

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

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Mr. P.G. Sarda for the Applicant.  
Mrs. Rutuja Ambekar, APP for the Respondent/State.

**CORAM : A.S.GADKARI, J.**  
**DATE : 07<sup>th</sup> NOVEMBER, 2017**

**P.C.:**

. By an order dated 24.08.2017, the Applicant was granted interim relief.

It is the prosecution case that the first informant Mr. Dhanaji Dattu had taken hand loan of Rs.3,50,000/- from the Applicants for boring a well and for improvement of his agricultural land and kept his agricultural property as mortgage with the Applicant. That from time to time, the first informant further accepted hand loan from the Applicants on one or other count. It is alleged that for releasing the mortgage property, the Applicants demanded a sum of Rs.20,00,000/- from the first informant. That the first informant sold his another piece of land for a sum of Rs.16,20,000/- and offered the said money to the Applicants. The Applicants refused to accept the said amount and insisted for a sum of Rs.20,00,000/- for releasing the mortgaged property. It is further alleged

that, the Applicants also did not give benefit of Rs.2,80,000/- which was already paid by the first informant to the Applicants while settling the accounts. The first informant got enraged of the said excessive demand and on 16.08.2017 consumed pesticide used for agricultural purpose. The first informant was thereafter, admitted in the hospital and after gaining consciousness, he lodged the first information report.

2 Perused the record of investigation. It prima facie appears that, in the present crime, there are series of transactions between the Applicants on one side and the first informant on the other side and as the Applicants were demanding a particular quantum of amount, which first informant was unable to pay, he due to grave and sudden provocation on 16.08.2017 has consumed the said pesticide. The record of investigation reveals that Investigating Officer has already seized the said pesticide. It is to be noted here that, the first informant and other witnesses have nowhere stated that it is due to constant harassment or inducement at the behest of the Applicants, he took the said extreme step to consume pesticide.

In view of the above, the Applicants can be protected by pre-arrest bail.

3 Interim Order dated 24.08.2017 is hereby confirmed. However, condition to attend the Investigating Officer is waived.

4 Application is allowed in the aforesaid terms.

**(A.S.GADKARI, J.)**