

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 179 OF 2018

Sainath Jaisingh Thakur ...Applicant.
vs.
State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 181 OF 2018

Pandit Balwant Naik ...Applicant.
vs.
State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 182 OF 2018

Laxmi Nivas Tiwari ...Applicant.
vs.
State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 207 OF 2018

Baby Mohanan Anthikatt ...Applicant.
vs.
State of Maharashtra ...Respondent

.....

Mr. Harshad Palve i/by Ganesh Rangayya for the Applicant in
ABA No.179/2018.

Mr. K.S.Patil for the Applicants in ABA Nos.181/2018 and
182/2018.

Mr.A.P.Mundergi, Sr. Advocate i/b Jayant Bardeskar for the
Applicant in ABA No.207/2018.

Smt. J.S.Lohokare, APP. for the State.

CORAM :A.S.GADKARI, J.
DATE : 5th December, 2018

P.C.

1. The applicants are apprehending arrest in CR No.77/2017 dated 2.11.2017 registered with Mahatma Gandhi Chowk Police Station, District Sangli under Section 306, 506 read with 34 of the Indian Penal Code.

The applicants in ABA No.181/2018 and 182/2018 were granted interim relief by this Court by an Order dated 31.1.2018 and the applicants in ABA No.179/2018 and ABA NO. 207/2018 were granted interim relief by an Order dated 21.3.2018 and the relief granted to applicants in ABA No.181/2018 and 182/2018 was also extended by the said order.

2. Heard the learned counsel for the respective applicants and the learned APP. Perused the record of investigation and the affidavit of Pravinkumar Kamble, Assistant Police Inspector attached to Mahatma Gandhi Chowk Police Station, Miraj.

3. The first information report is lodged by Mr. Vijaykumar B. Patil, father of deceased Abhijit Patil.

The persecution case in brief is that Abhijit Patil was running two medical shops namely Sarth Medico Stores at Gandhi Chowk, Miraj and Abhijit Medico Stores at Miraj, Sangli. Mr. Abhijit Patil was facing financial difficulties in his business enterprise. He therefore, confided with the said fact with Mr. Laxmi Nivas Tiwari (Applicant in ABA No.182/2018) who was spiritual guide of his family. Mr. Laxmi Niwas Tiwari introduced Mr. Abhijit Patil with Mr. Pandit Naik (ABA NO.181/2018) who in turn advance a loan of Rs.15,00,000/- to the Mr. Abhijit Patil at the rate of 10% per annum. That, Mr. Abhijit Patil had paid substantial amount of interest. Mr. Pandit Naik used to visit the place of business of Mr.Abhijit Patil and demand further interest and principal amount. With a view to repay the loan of Mr. Pandit Naik, Mr. Abhijit Patil took further loan of Rs.18,00,000/- from Baby Anthikatt (Applicant in ABA No.207/2018) at the rate of 10% per annum. Out of the said amount he repaid Rs.8,00,000/- to Mr. Pandit Naik and put an end to the transaction with him. It is the prosecution case that, the applicant Baby Anthikatt used to demand the amount towards the repayment. That Mr. Pandit Naik also used to demand balance amount of Rs.4,00,000/-from Abhijit Patil. It

is the further prosecution case that, the applicant Mr. Sainath Thakur (Applicant in ABA No.179/2018) is working with Maharashtra Police as a constable and at the instance of Baby Anthikatt he used to persuade Abhijit Patil for repayment of the loan amount taken from her. As the wife of Mr. Abhijit Patil namely Mrs. Kalyani Patil found him depressed, she enquired the reason wherein Mr. Abhijit told her the said facts. Mrs. Kalyani therefore, committed suicide on 24.8.2017 at her matrimonial house. Mrs. Kalyani has also left a suicide note in that behalf. It is alleged that, due to the constant pressure of the applicants towards the repayment of loan Mr. Abhijit got fed up with the same and committed suicide on 13.10.2017 by consuming poison. In the premise, the first informant i.e. the father of Abhijit has reported the present crime on 2.11.2017 by giving explanation for delay in lodgment of the same.

4. Perusal of the record of investigation indicates that Mrs. Kalyani in her suicide note has not made any grievance against the applicants and has mentioned that, as she is unable to help Mr. Abhijit i.e. her husband, she is putting an end to her life. She has also stated that, nobody is responsible for her committal of the said Act. In the suicide note, which is seized by

the police from the residence of Mr. Abhijit Patil, he has also blamed himself and has stated that nobody should be held responsible for his act as he has taken own decision for the same.

Thus, it is clear that, the deceased persons have not held any of the applicants responsible for abetting the said crime and have blamed themselves for the said situation.

5. After perusing the record of investigation, this Court is of the considered view that, the custodial interrogation of the applicants for further investigation of the present crime is not necessary and the applicants can be protected by pre-arrest bail.

Hence, the following order.

a) The interim relief granted by Orders dated 31.1.2018 in favour of the applicants in ABA No.181/2018 and ABA No. 182/2018 and by Order dated 21.3.2018 in favour of applicants in ABA No, 179/2018 and 207/2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

b) The applicants are directed to attend the Investigating officer as and when called for between 10.00 a.m. to 1.00 p.m. upon receipt of a notice in writing from the concerned

Investigating officer and to join the process of investigation till the submission of final report.

c) The applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

Application are allowed in the aforesaid terms.

(A.S.GADKARI, J.)