

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.379 OF 2018

Chandrakant Nagesh Phadtare

..Applicant

vs.

The State of Maharashtra

...Respondent

Mr. A. P. Mundargi, senior counsel i/b Mr. Abhishek Yende for Applicant .

Mr. Sohil Gulabani i/b Mr. Ajit Kenjale for Intervenor.

Mr. S.R. Agarkar, APP for the Respondent.

Mr. S. N. Aute, PSI, Satara Taluka Police Station.

CORAM : P. N. DESHMUKH, J.

DATE : 18th APRIL, 2018

P.C.:

. This application is by accused involved in C.R. No.I-52/2018 registered with Satara Taluka Police Station for the offence punishable under section 306 of IPC and under section 39 of the Maharashtra Money Lending Act.

2. Heard Mr.Mundargi, learned counsel for applicant and Mr.Agarkar, learned APP for Respondent-State. Perused the case diary. Applicant is protected by interim order dated 28/2/2018. It is case of applicant that during the life time of deceased there were monetary transaction between applicant and deceased for the period 1999-2018. The incident of deceased committing suicide is of 17/1/2018. It is submitted on behalf of applicant that there is nothing on record establishing direct nexus of applicant with the suicide committed by deceased and therefore contended that application be allowed.

3. Learned APP has submitted that during investigation additional statement of wife of deceased came to be recorded wherein she

stated that on 4/2/2018 one note came to be recovered from the house of deceased wherein deceased has in detail stated monetary transaction with applicant for the period 1999-2008 while according to the case of applicant there was monetary transaction between deceased and applicant only for the year 2017-2018. Record reveals that applicant was granted interim protection from arrest observing that except said note no evidence establishing involvement of applicant was available.

4. Learned APP on instructions makes a statement that investigation with reference to contents of note along with his bank statement is in progress.

5. In view of facts as aforesaid and as admittedly applicant during the life time of deceased had monetary transactions with him, the note itself is too short to establish applicant's involvement as abater or instigator of deceased to commit suicide by drowning into a well at his native place. In that view of the matter, application is allowed as per order below:

ORDER

- i) Interim order dated 28/2/2018 stands confirmed on the same terms and conditions;
- ii) Applicant shall attend Investigating Officer if called till filing of charge-sheet;
- iii) Trial Court to conduct trial without being influenced by findings recorded in this order.

(P.N. DESHMUKH, J)