

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

ANTICIPATORY BAIL APPLICATION NO.480 OF 2018

Surendra Mohanrao Gudage	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Sharad Bhosale I/b. Mr. Dilip Bodake for the Applicant.

Mrs. J.S. Lohokar, APP for the Respondent -State.

Mr. Santosh D. Gosavi, API, Vaduj Police Station, District-Satara, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 11th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.99 of 2018 registered at Vaduj Police Station for offence punishable under Section 306 of the Indian Penal Code.

2. Heard Mr. Sharad Bhosale the learned counsel for the Applicant and Mrs. J.S. Lohokare, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Rajaram Mohan Jadhav. The first informant had alleged

that his father had obtained loan from Mayni Urban Co-operative Bank. It is alleged that said loan was repaid and that the Bank has issued no due certificate. The first informant had alleged that he had received notice dated 1.2.2018 from Sub-Divisional Magistrate, Man-Khatav, Dahiwadi, in respect of cable business, which was duly replied. After seeking information from the concerned authority he came to know that the Applicant herein had complained to the Collector, Satara, that one Mohan Jadhav (father of the first informant) was doing cable business without paying Government tax.

4. The first informant had stated that the Applicant herein had threatened his father that he would stop his cable business and that he would ensure that he would have to leave the village. The first informant therefore claims that the Applicant herein, who was the member of the Zilla Parishad had abetted suicide of his father Mohan Jadhav. The allegation in the FIR and the contents of the records do not prima facie establish “abetment” within the meaning of section 107 of the IPC.

5. The records reveal that by order dated 13.3.2018 this Court (Coram: P.N. Deshmukh, J.) had granted interim bail. The Applicant was directed to report to the investigation officer for the purpose of

interrogation. The learned APP has stated that the Applicant has been interrogated and that the charge sheet has already been filed. She submits that presence of the Applicant is not required for the purpose of interrogation.

6. Considering the above facts and circumstances, so also the nature of allegations levelled against the Applicant, in my considered view this is a fit case for grant of pre-arrest bail. Hence, the application is allowed on following terms and conditions:

- (i) In the event of arrest of the Applicant in C.R. No.99 of 2018 registered at Vaduj Police Station, the Applicant shall be released on bail on furnishing bail bonds of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned Investigation Officer.
- (iii) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.

(iv) The Applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)