

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 1920 of 2018.

Anil Chagan Yalmar	..Applicant.
Vs	
State of Maharashtra	..Respondent.

Mr. Tushar Sonawane for the Applicant.
Mr. S.H. Yadav, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATE : 19TH SEPTEMBER, 2018

P.C:-

1) This is an application filed under Section 438 of Criminal Procedure Code by the aforesaid applicant for pre-arrest bail, apprehending his arrest in C.R.No. I-27 of 2018 registered at Karkambh Police Station, District Sholapur, for offences punishable under sections 306, 506 read with section 34 of the Indian Penal Code.

2) Heard Mr. Sonawane, learned counsel for the applicant and Mr. Yadav, learned APP for the State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3) The aforesaid crime was registered pursuant to the first information report lodged by Smt. Chhaya Pandurang Yevle, the widow of deceased Pandurang Yevle. The first information report, prima facie, reveals that the deceased Pandurang Yevle was having illicit relationship with one of the co-accused. She constantly used to demand money from said Pandurang and hence said Pandurang was constrained to borrow money from the applicant and some other persons. It is alleged that they were pressurizing him to repay the said money. It is also alleged that being unable to withstand persistent pressure and harassment, the deceased took an extreme step of committing suicide.

4) The first information report as well as the suicide note indicate that the deceased had committed suicide as he was unable to repay the loan taken by him from the applicant and others. The material on record does not prima facie indicate that the applicant by his acts or omissions, or continued course of conduct created such situation that the deceased was left with no other option except to commit suicide. The applicant had not goaded, provoked, instigated or incited the applicant to commit suicide. Thus, there is no

prima facie material to show that the applicant had facilitated or abetted commission of crime. Furthermore, the other co-accused against whom similar allegations have been made, are granted anticipatory bail by this Court by an order dated 17th April, 2018 in ABA/540/2018.

5) Considering the aforesaid facts and circumstances, the applicant is also entitled for grant of pre-arrest bail. Hence, the following order :-

- (i) Application is allowed.
- (ii) In the event of arrest in Crime No. I-27 of 2018 registered with Karkambh Police Station, District Sholapur, the applicant be released on bail on his furnishing bail bonds of Rs. 20,000/- with one surety in the like amount to the satisfaction of the concerned Investigating Officer.
- (iii) The applicant shall report to the Investigating Officer as and when required and called by the Investigating Officer.
- (iv) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigation Officer.
- (v) The applicant shall not change his residential address without prior intimation to

the Investigation Officer.

(vi) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

6) The application is disposed of in the aforesaid terms.

(SMT. ANUJA PRABHUDESSAI, J.)