

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

BAIL APPLICATION NO. 2612 OF 2018

Vinayak Jagannath Chandgude	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Ranjitsingh R. Bhosale for the Applicant.

Mr. S.H. Yadav, APP for the Respondent -State.

Mr. Devendra R. Padvi, ASI, Phaltan Rural Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 8th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant, who has been arrested in C.R. No.327 of 2018 registered at Phaltan Rural Police Station, District-Satara, for offences punishable under Sections 306 r/w. 34 of the Indian Penal Code, 1860 and Sections 39 and 45 of the Maharashtra Money Landing Act.

2. Heard Mr. Ranjitsingh Bhosale, the learned counsel for the Applicant and Mr. S.H. Yadav, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records prima facie reveal that one Vinod had left the house on 17.8.2018 under the pretext that he was going to a clinic. He did not return home. Later in the night they found his motorcycle parked by the side of the road leading to Jinti Khunte and further they found his body hanging to a tree. The deceased had left a suicide note stating that he had taken loan from Raviraj Rajaram Ghanwat, Ballu Mukunda Kolekar, Anil Chandgude, Ravindra Kakde and Vinod Chavhan and that despite repayment of the loan, he was under tremendous mental pressure. Sanjay, brother of the deceased therefore, lodged the FIR alleging that the Applicant and others had subjected his brother to mental cruelty despite repayment of the loan. He claims that his brother had committed suicide because of the pressure tactics adopted by the Applicant and others. He therefore, filed the FIR against aforesaid persons for abetting suicide and for committing the offence under the provisions of Maharashtra Money Lending Act, 2014.

4. The FIR does not prima facie indicate that the Applicant herein had provoked and/ or enticed or aided the deceased Vinod in committing suicide. The allegations levelled in the FIR in the face of it do not constitute abetment within the meaning of Section 107 of the

IPC. Prima facie there are no allegations of molestation of abetment so as to attract the provisions of Section 45 of the Maharashtra Money Landing Act. As regards offence under Section 39 of the Act is concerned, the same is punishable with imprisonment for 5 years and does not warrant custodial interrogation. The Applicant is a permanent resident of the State, and hence, there is no possibility of his absconding or thwarting the course of justice. The learned APP has submitted that the Applicant has no criminal antecedents.

5. In my considered view, this is not a case, which would justify custody. Hence, the following order:-

- (i) The Application is allowed.
- (ii) The Applicant is ordered to be released on bail on furnishing bail bonds of Rs.25,000/- with one or two solvent sureties in the like amount.
- (iii) The Applicant shall report to the Phaltan Gramin Police Station for a period of four days from 15.10.2018 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required and called by the Investigation Officer.
- (iv) The Applicant shall furnish his permanent as well

as temporary address, if any, and his contact details to the concerned Investigation Officer.

- (v) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)