

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 18 OF 2018

— — —

Solapur for offence punishable under section 306, 364(A), 342, 504, 506 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that the first informant Amol Jagdale had borrowed money from the present applicant. It appears that the loan amount was repaid. However, there was a dispute in respect of interest that was to be paid. On 22nd October 2017, the applicants had kidnapped the first informant in order to recover money. However, there was a settlement and it was agreed that the amount would be paid by 1st of December 2017. The first informant and his brother Manik were kidnapped by the co-accused and were assaulted by a leather belt in front of the police station. Being humiliated by the said incident, Manik had committed suicide and the applicants are being prosecuted for the offence punishable under Section 306 of the Indian Penal Code.

4 Upon perusal of the papers of investigation, it cannot be said that the applicants herein had abetted, instigated or facilitated commission of suicide by the brother of the first informant.

5 The learned APP submits that the applicants had taken away plough of the deceased and his brother. Learned Counsel for the applicants upon instructions submits that they would replace the plough in favour of the first informant. The applicants shall cooperate with the investigating agency.

6 However, it is made clear that the observations are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the trial court shall not be influenced by the same for the purpose of discharge application or quashing of FIR or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 856 of 2017 registered at Indapur Police Station, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- each with one or more solvent sureties in the like amount.
- (iii) The applicants shall report to the concerned police station as and when called and cooperate with the investigating agency to the best of their capacity.
- (iv) The applicants shall not tamper with the evidence.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)