

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

ANTICIPATORY BAIL APPLICATION NO. 49 OF 2018

Sagar Rajendra Jagdale	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Rahul S. Kadam for the Applicant.
Mr. N.B. Patil, APP for the Respondent-State.
Mr. A.B. Khomne, Asst. P.I., Indapur 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 apprehending his arrest in C.R. No.856 of 2017 registered with Indapur Police Station, District-Pune (Rural), for offences punishable under Sections 306, 342, 504, 506 and 364(a) r/w 34 of the Indian Penal Code, 1860 and Sections 39 and 44 of the Maharashtra Money Lending Act.

2. Heard Mr. Rahul S. Kadam, the learned counsel for the Applicant and Mr. N.B. Patil, 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 aforesaid crime was registered pursuant to the FIR lodged by one Amol Jagdale, brother of the deceased-Manik. Said Manik had committed suicide on 23.11.2017. Perusal of the FIR prima facie reveals that the first informant had taken loan from several persons and despite payment of the same those persons were harassing him, his brothers and father for returning the loan. The first informant has stated that 4 to 5 months prior to suicide by the deceased, the Applicant had forcibly taken the motorcycle of the deceased as he had failed to repay the loan. The first informant claims that his brother has committed suicide on account of the harassment meted out to him by the Applicant and others.

4. Having perused the records, in my considered view the allegations levelled against the Applicant do not prima facie disclose essential ingredients to abetment under Section 107 of the IPC.

5. The material on record does not indicate that the Applicant was involved in abetting the suicide. Prima facie there are no reasonable grounds to show that the Applicant is involved in

committing the alleged offence. The learned counsel for the Applicant has placed reliance on the order dated 20th February, 2018 passed in Anticipatory Bail Application No.18 of 2018 whereby pre-arrest bail has been granted to the similarly placed co-accused. The Applicant is a permanent resident of Taluka-Indapur and hence, there is no possibility of his absconding. It is submitted that there are no criminal antecedents as against this Applicant.

6. Considering all the above facts and circumstances, in my considered view this is a fit case for grant of pre-arrest bail. Hence, the following order:-

(i) In the event of arrest of the Applicant in C.R. No.856 of 2017 registered with Indapur Police Station, District-Pune (Rural), 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 report to the Investigation Officer or Sr.P.I. of the Indapur 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 called

and required by the Investigation Officer.

(iii) The Applicant shall furnish his permanent as well as residential address, if any, and his contact details to the concerned Investigation Officer.

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

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

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Shridhar
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by Megha
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