

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.260 OF 2018
Sagar Shankar Kitturkar vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Poonam Bhosale for the applicant.

Mr.Ameet Palkar, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 6th June, 2018

P.C.

1. By an Order dated 12.2.2018 the applicant was granted interim relief on the ground that the copy of the application was not served upon the learned APP and the learned APP was short of instructions.

2. Heard the learned counsel for the applicant and the learned APP for the State and perused the record of investigation.

3. The first information report is lodged by Smt. Nayana Tarkar wife of Shri. Samit Tarkar (deceased). It is the prosecution case in brief that, at the instance of the

applicant the deceased Mr. Samit Tarkar availed loan facilities in the name of his mother. That, at the instance of the applicant the deceased defalcated certain amounts and also was not attending his job. The record of investigation indicates that, the applicant used to force the deceased to pay him money on some or the other pretext. That, the applicant used to cause constant mental torture and harassment to the deceased over the payment to be made to him. Fed up with the said mental harassment and torture caused by the applicant, the deceased committed suicide by hanging himself in his residential premises on 15.1.2018. The deceased has left behind a suicide note which runs into three pages. The deceased has categorically and specifically attributed the role of mental torture and harassment to the applicant.

4. The record of investigation prima facie indicates that it is the applicant who abetted the deceased to commit suicide. The record of investigation clearly indicates the complicity of the applicant in the present crime. Prima facie, there is sufficient material on record to indicate the

role of the applicant in the present crime as apparent. The investigation in the present crime is at a nascent stage. The police have yet to trace out various transactions which have been mentioned in the suicide note and the persons from whom the deceased had taken loan amount at the instance of the applicant and the same is not possible without there being custodial interrogation of the applicant.

5. After taking into consideration the material available on record, serious allegations against the applicant and the gravity of the offence, this Court is of the considered view that the applicant does not deserve to be protected by pre-arrest bail.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)