

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.294 OF 2018

Gokul Haribhau Gite

..Applicant

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Aniket Ujjwal Nikam a/w Mr. Piyush Toshnival, Mr. Harshal Patil i/b
Mr. Aashish Satpute for the Applicant .

Mr. S. R. Agarkar, APP for the Respondent.

Mr.Vitthal S. Pote, API Devlali Camp Police Station, Nasik City

CORAM : P. N. DESHMUKH, J.

DATE : 8th MARCH, 2018

P.C.:

. Heard Mr.Nikam, learned counsel for the applicant and
Mr.Agarkar, learned APP for the State

2. Applicant is apprehending arrest in C.R. No.21/2018 registered at Devlali Camp Police Station, District Nashik on the basis of report lodged by Mr.Bhushan Gaikwad, the brother of the deceased Roshan, who committed suicide by jumping before a running train.

3. Mr.Nikam, learned counsel for the applicant submitted that the only allegation against the applicant in the report is that he provided hand loan to the deceased about 6 years prior to the incident of suicide and applicant was behind the deceased claiming repayment of the same and thus according to the complainant, his brother Roshan committed suicide. It is further submitted that prior to lodging report by Bhushan, the applicant on 6/12/2017 has lodged report against the parents of the deceased contending that when he visited house of the deceased, his parents had abused him upon which report came to be registered. In view

of the aforesaid facts it is contended that application be allowed as there is no material to establish aid or abetment by the applicant for commission of suicide by the deceased.

4. Mr. Agarkar, learned APP opposed the application and has contended that involvement of the applicant is established from the statements of the parents of the deceased, their relatives that the applicant on 25/2/2018 and on 3/3/2018 had extended threats to the complainant Bhushan and Sarika, the wife of the deceased to take back the complaint lodged against him and has therefore submitted that since investigation is in progress, application be rejected as custodial interrogation of the applicant even otherwise is necessary.

5. On perusal of the complaint it is revealed that the same pertains to some hand loan extended to the deceased Roshan 6 years before though in the report it is stated that since 2017 applicant was continuously insisting for repayment of loan. It is further stated that on 11/1/2018 the applicant took the deceased along with him. There is nothing to establish that immediately prior to the deceased committing suicide on 12/1/2018 there was abetment at the hands of the applicant. In fact from the report it is found that on 12/1/2018 the deceased had left his house at 11.00 a.m. On taking instructions from the Investigating Officer, learned APP states that suicide was committed on 12/1/2018 at 10.00 p.m. at Nashik Road Railway Station.

6. For the purpose of opposing this application, learned APP though has referred to the statements of parents of the deceased and wife of the deceased as well as neighbours, their statements reveals the same fact as that has been mentioned in the report, of deceased taking hand loan from the applicant 6 years before the deceased committing suicide.

However, from the statement referred by the prosecution, there is nothing to hold that this is the only reason for which the deceased is found to have committed suicide or that there was abetment for commission of suicide by the applicant.

7. The prosecution though has referred to NC's which came to be registered on the basis of report lodged by the complainant and wife of the deceased on 25/2/2018 and 3/3/2018 respectively, alleging that applicant insisted them to withdraw the report lodged against him, the same by itself cannot be a ground to reject the application. Due care can be taken of this aspect by imposing conditions upon the applicant to stay out of Tumbulnagar. Hence, the order:

ORDER

- i) In the event of arrest of the applicant in C.R. No.21/2018 registered at Devlali Camp Police Station, the applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount;
- ii) Applicant shall not enter the jurisdiction of Panchawati and Bhadrakali Police Station till the filing of charge-sheet;
- iii) Applicant shall mark his presence at Devlali Police Station for a period of one week from 10/3/2018 and, thereafter as and when called till the filing of charge-sheet;
- iv) Applicant shall not make any attempt to tamper with the investigation.

(P.N. DESHMUKH, J)