

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.514 OF 2018***

Shivaji Krushna Kesare

.. Applicant

Vs

The State of Maharashtra

.. Respondent

...

Mr. Tejas Hilage for the Applicant.

Ms. P.P.Shinde, APP for the Respondent-State.

CORAM :SANDEEP K. SHINDE J.

DATE : 19 DECEMBER, 2018

P.C. :

The Applicant seeks pre-arrest bail in Crime No.24 of 2018 registered with Shivaji Nagar Police Station, Ichalkaranji Police Station for the offences punishable under Sections 306, 504 and 506 of the IPC read with Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014.

2 The Applicant was granted interim protection by this Court on 22nd June, 2018.

3 Shri Dhananjay Vitthal Pingale, Assistant Police Inspector attached to Shivajinagar Police Station has filed affidavit dated 12th April, 2018 opposing the reliefs sought in the application.

4 Heard the learned counsel for the Applicant and the learned APP for the State.

5 The Complainant is wife of the deceased who alleged that her husband had taken, hand loans from several persons and they were recurringly demanding its repayment. It is alleged that one person by name Manjur Desai had also demanded interest and to recover the same, he had taken away forcibly Activa scooter from his custody. It appears from the complaint that complainant's husband had taken hand loan from the present applicant and such other persons. If repayment of loan is sought, it cannot be said that the applicant aided and/or instigated the deceased to commit suicide. Prima-facie, I am of the view that the complaint does not make out offence of aiding and/or instigating the deceased to

commit the suicide.

6 In view of these facts, the Application is allowed. It is clarified that observations made by this Court in this order are prima-facie and cannot be construed as its definite opinion and/or finding . Hence, the following order:

(I) The Application is allowed.

(II) In the event of arrest, the Applicant be released on PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(III) The Applicant is directed to attend concerned police station as and when called upon receiving the intimation from the police station.

(IV) Application is disposed of.

(SANDEEP K. SHINDE, J.)