

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.548 OF 2018

Adhikar Murlidhar Choudhary

..Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Aniket U. Nikam i/b Mr. Aashish Satpute for Applicant.

Mr. S. H. Yadav, APP for Respondent.

Mr. B. K. Gawali, PSI, Upnagar Police Station, Nasik City.

CORAM : P. N. DESHMUKH, J.

DATE : 18th APRIL, 2018

P.C.:

. This application is for anticipatory bail by the applicant involved in C.R. No.I 84/2018 registered with Upanagar Police Station, Nashik for the offences punishable under sections 306 read with 34 of IPC.

2. Heard Mr. Nikam, learned counsel for applicant and Mr. Yadav, learned APP for Respondent-State. Perused the case diary. Accused is protected by interim orders from his arrest dated 22/3/2018. Learned counsel for applicant submitted that there is nothing to establish involvement of applicant in commission of suicide by deceased which is found committed on 17/2/2018. He further submits that admittedly in compliance of order dated 22/3/2018, applicant has attended Investigating Officer. Learned counsel has therefore contended that interim protection be confirmed.

3. Learned APP opposed the applicant on the ground that there is sufficient evidence establishing involvement of applicant as applicant along with co-accused were harassing deceased demanding money extended by them to him as hand loan and prior to his committing suicide had assaulted

deceased near Collector Office as a result of which deceased committed suicide.

4. From the report it is revealed that hand loan amount of Rs.3 Lakhs was extended to deceased by applicant and co-accused and they were demanding the same and on 5/10/2017 since Kalpana has abused wife of deceased on this count, NC is registered against her by his wife. Report further reveals that one day prior to deceased committing suicide applicant and Kalpana Kharehad assaulted him near SBI Bank premises. Therefore, it is case of prosecution that applicant as such abetted commission of suicide.

5. In the background of contents of report as aforesaid complainant claims to have received knowledge of assault on deceased one day prior to incident at the hands of applicant and co-accused from her mother Anita. Perusal of statement of Anita though corroborate the fact of assault on deceased by Kalpana she nowhere claims to have informed this fact to complainant. Moreover though it is case of prosecution that some pages of note book alleged to be written by deceased are seized for the purpose of investigation, handwriting expert's report is awaited. However, seizure of said notes by itself are not sufficient to establish involvement of applicant particularly when it is also the case of prosecution that one suicide note is recovered from shirt pocket of deceased wherein name of one female is mentioned therein as Kalpana Khare, who provided ill treatment to him.

6. Having limited material against applicant as aforesaid interim order is liable to be confirmed by imposing conditions as per order below.

ORDER

- i) Interim order dated 22/3/2018 stands confirmed on the same terms and conditions with direction to applicant to attend

Investigating Officer, if called till the filing of charge-sheet.

ii) Application is allowed in above terms.

(P.N. DESHMUKH, J)