

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

ANTICIPATORY BAIL APPLICATION NO.608 OF 2018

Narendra Trimbakrao Tapkir

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep Patil I/b. Mr. Arjun Pawar for the applicant.

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

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 05th OCTOBER, 2018.

P.C.:

. This is an application under section 438 of Criminal Procedure Code, filed by the aforesaid applicant, apprehending his arrest in C.R.No.124/2018 registered with Hinjewadi Police Station, District Pune for offences punishable under section 306 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Kuldeep Patil, learned counsel for the applicant, Mr. S.R. Agarkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records prima facie reveal that one Bharat Deringe had committed suicide on 05/03/2018. The mother of the deceased lodged the first information report against the applicant and others for abetting his suicide. The deceased Bharat was interested in taking Hotel Varunraj on rent. The said hotel was owned by Umesh Shinde and was being run by the applicant. The applicant took 50 lakhs from the deceased and handed over possession of the hotel to the deceased and permitted him to run the same for a period of three years. The applicant had agreed to introduce the deceased to the owner and get the agreement executed. The deceased ran the hotel for about 5 to 6 months. One day, the owner came to the hotel and told the deceased to handover possession of the hotel. He told the deceased that the agreement executed by him with the applicant was to come to an end in the said month. The owner demanded additional amount of Rs.25 lakhs to execute an agreement with the deceased. Despite payment of the amount of Rs.25 lakhs, the owner-Umesh Shinde did not execute an agreement in the name of the deceased and continued making demand for money. On failure to pay the money, he threatened to evict him from the hotel. The first informant claims that her son had committed suicide due to constant mental torture and harassment meted out by the applicant and others.

4. The records reveal that the hotel Varunraj is owned by the co-accused-Umesh Shinde and that the applicant was a licensee in respect of the said hotel. The material on record prima facie reveals that the applicant had allowed the deceased to run the said hotel on accepting Rs.50 lakhs. It appears that there was some dispute in respect of the said business transaction. The cause of suicide is that the owner of the hotel instructed the deceased to vacate the hotel and/or to pay additional amount, and he refused to execute an agreement in favour of the deceased, despite having recovered considerable amount.

5. In my considered view, in the absence of any material to show that the applicant had provoked, instigated or intentionally aided the deceased in committing suicide, the allegations in the FIR would not prima facie constitute abetment within the meaning of section 107 of the Indian Penal Code.

6. The applicant was granted interim bail on 27/03/2018. He has reported to the Investigation Officer and has been interrogated. Hence, the presence of the applicant is no longer required in custody. The applicant is a permanent resident of Bibwewadi, Pune and there are no chances of the applicant absconding and/or thwarting the course of

justice. The applicant has no criminal antecedents. Considering the above facts and circumstance, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the applicant in C.R.No.124/2018 registered with Hinjewadi Police Station, District Pune, he shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(b) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigation Officer.

(c) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(d) The applicant shall not interfere with the witnesses and/or tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)