

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1095 OF 2018

1 Sopan Ramchandra Saste.

2 Dhananjay Sopan Saste. .. Applicants.

V/s.

The State of Maharashtra. .. Respondent.

Mr. Vikas B. Shivarkar, advocate for applicants.

Mr. N.B. Patil, APP for State.

CORAM : SMT. SADHANA S. JADHAV, JJ.

DATE : JUNE 8, 2018.

P. C. :

1 Heard the learned Counsel for the applicants and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1908. The applicants herein are apprehending their arrest in C.R. No. 148 of 2018 registered at Bhosari MIDC Police Station, Pune for offence punishable under section 306 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that one Umesh Satav lodged a report at the police station on 8th May, 2018 alleging therein that he

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runs a Fiber Glass Industry at Chakan. His father Ramdas Satav is also running Glass Fiber Industries at Moshi, Pune. He meets his father intermittently. His elder brother Sujit @ Raju is residing at Arangaon, Taluka Shrigonda and he is also running Om Sai Glass Fiber Industries. That his brother wanted to purchase agricultural land at village Narayan Gavhan and therefore, was in need of money. He was harassing his father to take private loan in his own name in order to enable his son(Sujit) to purchase land. The father had obliged. He was acquainted with Sopan Saste i.e. applicant No. 1. He had taken loan from applicant No. 1 on 25/7/2014. He had taken loan of Rs. 7,25,000/- in his own name and 17,75,000/- in the name of his brother Sujit at the rate of 2% per month. That Sujit had purchased the land at Narayan Gavhan. It was agreed that the loan is to be repaid by Sujit. That Sujit had failed to repay the loan. He had not paid a single farthing to his father and continued to harass his father for the purpose of repaying the loan. His father was fed up of the harassment at the hands of Sujit and finally had repaid Rs. 17,50,000/- with interest. Applicant No. 1 had give written receipt to that effect. Despite that applicant No. 1 and his son Dhananjay continued to harass his father. His father had made it clear to Sopan Saste that the loan borrowed for Sujit has to be necessarily paid by him. However, applicant No. 1 continued to threaten him and asked him to repay loan for his son also. On 5th May, 2018 his father was called

near the company and was threatened by Sopan Saste and his son Dhananjay. When the complainant intervened, he was also threatened of dire consequences and was assaulted with fists and kick blows. He had lodged a report at Bhosari Police station.

4 On 6th May, 2018 Mrs. Ruby Singh informed the complainant that his father had hanged himself in the office. It is alleged that being fed up of the harassment and ill-treatment by Sujit, Sopan Saste and his son, his father had committed suicide.

5 Learned Counsel for the applicants submits that in fact, applicant No.1 had filed complaint against Sujit Satav under section 138 of the Negotiable Instruments Act. It is also submitted that the dispute is of civil nature and that the applicants cannot be held liable for the suicidal death of Ramdas Satav. The papers of investigation would reveal that the deceased had left a suicidal note in which he has specifically implicated present applicants. It is also submitted that in fact, it was a family dispute and the deceased had no intention of giving his property to his both sons and a settlement deed was executed to that effect. Umesh had threatened him to cancel the settlement. It is submitted that applicant No. 2 is 18 years old and is prosecuting his education. In the present case, it cannot be said that applicant No. 2 had abetted, facilitated or instigated Ramdas Satav to commit suicide. However, the

same cannot be said in respect of applicant No. 1 who continued to threaten the deceased for the loan extended to his son.

6 Learned APP submits that applicant No. 1 was harassing the deceased in connivance with Sujit. It is submitted that custodial interrogation is imperative. This Court is of the opinion that applicant no. 2 is entitled to grant of pre-arrest bail.

7 However, it is made clear that the observations hereinabove are prima facie in nature. The observations shall not be taken into consideration for quashing of FIR, discharge or at the trial.

8 Hence, the following order is passed :

ORDER

(i) The application is partly allowed.

(ii) The application filed by applicant No. 1 is rejected. However, if applicant No. 1 approaches the court under sec 437 or 439 of the Code of Criminal Procedure, 1973, the same shall be considered on its own merits without being influenced by the fact that his application under section 438 of the Code of Criminal Procedure, 1973 is rejected.

(iii) The application filed by applicant No. 2 is allowed. In the

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event of arrest of applicant No. 2, he be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(iv) Applicant No.2 shall report to the concerned police station as and when called and cooperate with the investigating agency to the best of his capacity.

9 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]