

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1395 OF 2018**

Samadhan Bajrang Babar. .. Applicant.

V/s.

State of Maharashtra. .. Respondent.

Mr. Aniket U. Nikam, advocate for applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 3, 2018.

P. C. :

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

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant is arrested on 23/1/2018 in Crime No. 47 of 2018 registered at Pandharpur Taluka Police Station for offence punishable under section 306, 506 read with section 34 of the Indian Penal Code. The investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 20/1/2018 Satyawar

Talwalkar

Waghmare had committed suicide at Gursale. On 23/1/2018 his nephew Vijay Waghmare lodged a report at the police station alleging therein that there was some transaction between the present applicant and Satyawar Waghmare. Satyawar Waghmare purchased land at Gopalpur, Taluka Pandharpur. However, he had transferred the said land in the name of Samadhan Bajrang Babar i.e. present applicant. That Satyawar had taken loan from Credit Society for purchasing the said land and therefore, he was continuously requesting the present applicant to return the said amount. And that was the bone of the contention between Satyawar and the present applicant. On 19/1/2018 Satyawar had been to village Gursale. That the present applicant had called upon Vishal Waghmare and informed him that a quarrel had occurred between applicant and Satyawar on account of money and land and hence, it is better to take Satyawar to his house. The money lender was coming to recover the said amount from Satyawar. Soon thereafter, Satyawar committed suicide by hanging.

4 The learned Counsel for the applicant submits that the applicant has not been instrumental in the suicidal death of Satyawar.

5 In the above circumstances, it can not be said that the applicant had abetted, instigated or facilitated the commission of suicide

of Satyawan. Hence, the applicant deserves to be enlarged on bail.

6 The aforesaid observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration for discharge application or at the time of trial.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]