

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

ANTICIPATORY BAIL APPLICATION NO.2221 OF 2018

Mohan Uttam Sangale ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.2222 OF 2018

Walmik Vishwas Nimbalkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Veerdhaval Kakade for the Applicant.

Mr. Ajay Patil, APP for the Respondent -State in (ABA/2221/2018)

Mrs. J.S. Lohokare, APP for the Respondent-State in (ABA/2222/2018)

Mr. S.B. Khodade, P.C., Shirur Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 25th OCTOBER, 2018.

P.C.:-

These are the applications under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. No.666 of 2018 registered with Shirur Police Station, District-Pune (rural) for offences punishable under Sections 306 and 506 r/w. 34 of the Indian Penal Code, 1860 and Sections 33 and 34 of the Maharashtra Money Lenders Act, 1946.

2. Heard Mr. Veerdhaval Kakde, the learned counsel for the

Applicant and Mrs. J.S. Lohokare and Mr. Ajay Patil, the learned APPs for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records reveal that one Chandrakant Sangale had committed suicide on 10.9.2018. Sumit Sangle, son of the deceased lodged the FIR on 16.9.2018 alleging that the Applicants herein had abetted suicide. The FIR prima facie reveals that the deceased was the Secretary of Shirur Group Co-operative Society. There were allegations against the deceased that he had disbursed loan to several persons and as a result said society had gone in loss. The first informant has alleged that the co-accused had threatened to lodge police complaint against the deceased. He has alleged that co-accused demanded money from the deceased for not lodging a police complaint against the deceased.

4. The first informant had alleged that the deceased had taken loan from several persons including the Applicant-Walmik. The first informant claims that the Applicant-Walmik was persistently demanding repayment of loan. The deceased wanted to sell one of his

properties to pay off the loan taken by the Applicant- Walmik and others. The first informant has alleged that the Applicant -Mohan resisted sale of the said property alleging that it was their ancestral family property. Even if the allegations as against these Applicants are taken at the face value and considered to be true and correct, the same in my considered view would not prima facie constitute 'abetment' within the meaning of Section 107 of the IPC. In the absence of any material to show that the Applicant herein has provoked, instigated, enticed or intentionally aided the deceased in committing suicide, the Applicants cannot be prima facie held guilty of offence punishable under Section 306 of the IPC.

5. The allegations levelled against the Applicants do not justify custodial interrogation. The Applicants are permanent resident of Shirur, hence, there are no chances of his absconding or thwarting the course of justice. The Applicants have no criminal antecedents. These facts and circumstances justify pre-arrest bail.

6. Considering the above facts and circumstances, the applications are allowed on following terms and conditions:-

(i) In the event of arrest of the Applicants in C.R.

No.666 of 2018 registered with Shirur Police Station, District-Pune (rural), the Applicants shall be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two solvent sureties in the like amount.

- (ii) The Applicants shall report to the investigation officer for a period of four days from 30.10.2018 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required and called by the investigation officer.
- (iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned investigation officer.
- (iv) The Applicants shall not change their residential addresses without prior intimation to the concerned investigation officer.

(SMT. ANUJA PRABHUDESSAI, J.)