

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

ANTICIPATORY BAIL APPLICATION NO.2250 OF 2018

Dnyaneshwar Balasaheb Ingawale	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Ghansham S. Jadhav for the Applicant.

Mr. S.H. Yadav, APP for the Respondent -State.

Mr. S.V. Salve, Police Constable, Shirur Police Station, Pune (rural) present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 31st OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his 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. Ghansham Jadhav, the learned counsel for the Applicant and Mr. S.H. Yadav, the learned APP 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 Sangale, son of the deceased lodged the FIR on 16.9.2018 alleging that the Applicant 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. The first informant claims that the Applicant was persistently demanding repayment of the said loan and that the Applicant was abusing and threatening his father. He claims that his father had transferred 1 acre of land in favour of the Applicant as he was unable to repay the said loan.

5. Even if, the allegations in the FIR as against this Applicant

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 Applicant cannot be prima facie held guilty of offence punishable under Section 306 of the IPC.

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

7. Considering the above facts and circumstances, the application is allowed on following terms and conditions:-

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

- (ii) The Applicant shall report to the investigation officer for a period of four days from 5.11.2018 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required and called by the investigation officer.
- (iii) The Applicant shall furnish his permanent as well as temporary addresses, if any, and his contact details to the concerned investigation officer.
- (iv) The Applicant shall not change his residential addresses without prior intimation to the concerned investigation officer.

(SMT. ANUJA PRABHUDESSAI, J.)