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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2578 OF 2018

Suryakant Akshiram Nimbalkar **..Applicant**
Vs
The State of Maharashtra **..Respondent**

Mr. Veerdhaval Kakade for Applicant.
Mr. S.S. Hulke for State.

CORAM : A.S.GADKARI, J.
DATE : 22nd December 2018.

P.C.:

1] The applicant is apprehending arrest in CR No. 621 of 2018 dated 10.10.2018 registered with Shikrapur Police Station, District- Pune under section 306, 504 and 506 of Indian Penal Code and sections 31, 39, 44 and 46 of Maharashtra Money Lending (Regulation) Act, 2014.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Mr. Hemant Saste,son of deceased Ashok Saste.

It is the prosecution case that, the first informant had taken

hand-loan of Rs.11.00 lakhs with interest @ 5% per annum thereon from the applicant and towards the security of the said loan, the applicant got executed a sale deed of agricultural land of the first informant. The informant on various accessions paid installments of loan amount along with interest accrued thereon, however, the applicant was constantly demanding further interest on the said amount. The informant paid Rs.7.00 lakhs from the account of his father Shri Ashok Saste on 3.5.2018. When the informant and his father asked about the balance amount, the applicant told them that till date they had paid only interest and principal amount is still balance. It is alleged that, the applicant threatened the father of the informant that, if family members of the informant does not pay the said amount, he will sell the agricultural land of the informant and will recover the amount. Due to the said threats, the father of the informant got restless. Due to constant harassment and demand of money, deceased Ashok Saste got fed-up and consumed pesticide “Canon” at about 4.45 p.m. of 26 . 9.2018 and died at about 6.45 p.m. On his way to hospital, deceased Ashok Saste told his son i.e. the informant that, the applicant was constantly harassing him to pay the principal amount along with interest thereon. In the premise the first information report is lodged.

4] The learned counsel for the applicant submitted that, there were monetary transactions between the applicant and the informant and applicant was intending to purchase property of informant and therefore the applicant had advanced the said amount. That after the said deal was cancelled, the informant in installments paid the said amount by way of RTGS mode and therefore there is no substance in the case of the prosecution that the applicant advanced hand-loan to the informant. He further submitted that the applicant is a reputed person and is retired from Armed forces. He therefore prayed that the applicant may be protected by interim relief.

5] It is to be noted here that, the statement made by deceased Ashok Saste to his son i.e. informant on the way to the hospital about constant harassment and demand of money by the applicant thereby abetting him to commit suicide, would fall within the purview of section 32 of Evidence Act. There is no reason to disbelieve the statement of deceased at this stage. Prima facie it is clear that the applicant is the sole perpetrator of the present crime who instigated and abated deceased Ashok Saste to commit suicide.

6] After taking into consideration the gravity of offence and serious allegations against the applicant, this Court is of the considered view that, the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)