

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

BAIL APPLICATION NO. 3396 OF 2019

Mukund Dnyandev Phawade ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Jaydeep D. Mane, Advocate for the Applicant.
Smt. Geeta P. Mulekar, APP for the State-Respondent.
Mr. N.K. Karche, PSI (I.O.), Kagal Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th December, 2019

PC :

1. This is an application for bail in connection with C.R. No. 203 of 2019 registered with Kagal Police Station for offences punishable under Section 392, r/w Section 34 of Indian Penal Code. Subsequently, Section 306 was added.

2. The FIR was registered on 30th August, 2019. It is alleged that on 28th August, 2019 the complainant and Ravindra Subhash Patil had proceeded together on motorcycle. At Sulgaon two persons known to Ravindra met him. One of them caught collar of Ravindra and questioned him as to when he would give money. Ravindra pleaded that he would make the payment. However, the accused were demanding payment instantly. Ravindra told them to come with

him. All of them went to Kagal. When they reached at Laxmi-tek. both the accused got down from their vehicle and assaulted the complainant and Ravindra. They again demanded money. One of them snatched the key of the motorcycle of Ravindra and took away his motorcycle. Ravindra was disturbed and he started crying. He said his vehicle has been forcefully taken away by applicant. Complainant sent him to Kolhapur by KMT bus. He stated that it will be very difficult for him to convince his family as the accused took away motor cycle. He cant show his face to people. There is not point in surviving. Subsequently, the complainant learnt that on the same day at about 7.00 p.m. Ravindra Patil committed suicide by consuming poison.

3. The FIR was registered after two days after incident on 30th August, 2019. The statements of the witnesses were recorded. The applicant preferred an application for anticipatory bail before Sessions Court. The application was rejected on 22nd October, 2019.

4. The deceased owed money to applicant and others. On the day of incident the applicant allegedly demanded money from victim and took away his motorcycle. The statement of Jaypal More indicates that the deceased had transactions with various companies. He had provided raw material to the companies for which he did not receive

the payment. It was difficult for him to make the payment to the companies from whom he had received material. He was under tension. Applicant is arrested on 1st September, 2019. Charge-sheet is filed against him.

5. Learned APP submitted that the vehicle has been recovered from the possession of applicant. The deceased was pressurized by the accused to return his money. Due to disturb state of mind the deceased was compelled to commit suicide.

6. From the documents it appears that, the deceased had entered into transactions with various companies. The FIR indicates that the deceased owed money to the applicant. Vehicle has been recovered from applicant. The statements of the witnesses also indicates that the deceased was under tension on account of repayment of money relating to transactions executed with various companies. Statement of Mahadev Patil mentions that Ravindra was providing raw material to Foundry Karkhana. He was ordering material from various places. He had told the witness that he is not in a position to pay amount to businessmen. Applicability of Section 306 of IPC is debatable. He was under tension. Statement of Ranjit Patil also refers to similar version. Taking into aforesaid circumstances, case for grant of bail is made out.

ORDER

- i) Bail Application No.3396 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 203 of 2019 registered with Kagal Police Station on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in three month on every first Saturday between 10.00 am. to 12.00 pm. till further order.
- iv) The observations made in this order are only for considering the grant of bail and Trial Court shall not influenced by this order.
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)