

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

**ANTICIPATORY BAIL APPLICATION NO. 2707 OF 2019**

Ashish Rajendrakumar Fawade

...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 : 11<sup>th</sup> December, 2019**

**PC :**

1. This is an application for anticipatory 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 30<sup>th</sup> August, 2019. It is alleged that on 28<sup>th</sup> 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 Fawde. 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 30<sup>th</sup> 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 22<sup>nd</sup> October, 2019.

4. Th deceased owed money to co-accused. On the day of incident the accused 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. Co-accused Mukund Fawde was arrested. Charge-sheet is filed against him.

5. Learned APP submitted that the vehicle has been recovered from the possession of co-accused. 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 also indicates that the deceased owed money to co-accused Mukund Fawde. The applicant was accompanying him. Vehicle has been recovered from co-accused. 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. He was under tension. Statement of Ranjit Patil also refers to similar version. In view of factual aspects applicant need not be subjected to custodial interrogation.

7. Hence, I pass the following order.

**ORDER**

- i) Anticipatory Bail Application No.2707 of 2019 is allowed;
- ii) In the event of arrest of applicant in C.R. No. 203 of 2019 registered with Kagal Police Station, the applicant be released on bail on furnishing P R. Bond in the sum of Rs. 25000/-, with one or more sureties in the like amount;
- iii) The applicant shall attend Investigating Officer on 18<sup>th</sup> to 20<sup>th</sup> December, 2019 between 10.00 a.m. to 12.00 noon and thereafter as and when called for till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**