

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

ANTICIPATORY BAIL APPLICATION NO.850 OF 2019

Ganesh Madhukar Lonkar	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

***ALONG WITH
ANTICIPATORY BAIL APPLICATION NO.614 OF 2019***

Atul Sunil Ughade & Anr.	..	Applicants
Vs.		
State of Maharashtra	..	Respondent

***ALONG WITH
ANTICIPATORY BAIL APPLICATION NO.849 OF 2019***

Swapnil Vilas Bahadurkar	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

Mr.Rupesh Zade for the applicant in all applications.
Mr.A.R.Kapadnis, APP for respondent-State in ABA Nos.850/19 & 849/19.
Mr.Prashant Jadhav, APP for respondent-State in ABA 614 of 2019.
Mr.A.K.Dalvi, Police Constable, Baramati City Police Station.

***CORAM : P.N. DESHMUKH, J.
DATE : 9th April 2019***

P.C.:

. All these three applications are heard together since they are arising from same crime in C.R. No.137 of 2019 registered with Baramati City Police Station for the offences punishable under Sections

306, 323, 504, 506 read with 34 of IPC and Sections 39 and 45 of Money Lenders Act, 1946. Admittedly, other co-accused in ABA Nos.522 of 2019 and 549 of 2019 are protected from their arrest by this Court while applicant in ABA No.614 of 2019 is protected by interim order. Learned counsel for applicants submitted that role attributed to all accused in FIR lodged by Uncle of deceased Shubham @ Sanket who died of suicidal death is same and has contended that incident is of 9th February 2019 and according to report, allegations against present applicants along with co-accused are of the year 2016 in which year deceased is stated to have informed complainant about his monetary transaction with applicants and also informed of his refunding entire loan amount obtained by him from applicants but applicants were claiming interest from deceased from time to time. It is, therefore, seen that incident referred is of the year 2016. Learned APP, from documents has referred to one incident dated 2nd February 2019 on which day, applicants along with other co-accused are alleged to have extended threats to deceased for payment of interest and relying upon said statement, prosecution submitted that this statement establish that deceased was continuously harassed due to which he committed suicide on 9th February 2019.

2. This Court while allowing earlier bail applications and while

protecting applicant in ABA No.614 of 2019 in its order dated 18th March 2019 had observed that incident of suicide is of 9th February 2019 while allegation in report refers to some incident of the year 2016 and as statement dated 2nd February 2019 relied by prosecution does not establish abetment or instigation by applicants to deceased to commit suicide in any manner, the application is liable to be allowed as case of applicants involved in present application is similar. In that view of the matter, applications are liable to be allowed on merits as well as on parity with other co-accused. Accordingly following interim order is passed : -

ORDER

- (i) Interim order passed in ABA 614 of 2019 dated 18th March 2019 stands confirmed on same terms and conditions and stands disposed of as allowed.
- (ii) In the event of arrest of applicants in ABA Nos.850 of 2019 and 849 of 2019 in C.R. No.137 of 2019 registered with Baramati City Police Station, they shall be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- each with one surety each in the like amount;
- (iii) While on bail, applicants shall mark their presence with Investigating Officer from 15th April 2019 to 25th April 2019 between 10.00 a.m. to 1.00 p.m. and shall co-operate with investigation;

(iv) Applicants in ABA Nos.850 of 2019 and 849 of 2019 shall thereafter attend Investigating Officer as and when called till filing of charge-sheet.

(v) Stand over to 7th June 2019.

P.N. DESHMUKH, J.