

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

ANTICIPATORY BAIL APPLICATION NO.1364 OF 2019

Netaji Tatyarav Adsule

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Paras Yadav, Advocate for Applicant.
- Ms. A. A. Takalkar, APP for the State/Respondent.
- PSI S.S. Ghadge, Sinhagad Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.709/18 registered with Sinhagadh Police Station, Pune, under sections 306, 506 r/w 34 of the Indian Penal Code.
2. The FIR is lodged on 30/12/2018 by widow of the deceased Dyaneshwar Mahamuni. The first informant Radhika Mahamuni has stated that the deceased was working with one jeweller. They wanted to purchase a flat. Therefore they obtained loan from a finance company. However, the loan

amount was falling short of their requirements. Therefore they obtained loan from the deceased's friends namely Prakash Jadhav, Rohidas Takale and the present Applicant. Prakash Jadhav had given Rs.1,50,000/-. Rohidas Tekale had given Rs.1,00,000/- and the present Applicant had given Rs.50,000/-. Prakash Jadhav's amount of Rs.50,000/- was repaid. But the other amounts taken from these persons could not be repaid and therefore, according to the first informant, they were constantly pressurizing and harassing the deceased to return their money. It is mentioned in the FIR that on 14/12/2018 at about 10.30 p.m. Rohidas Tekale and others came to his house and threatened the deceased. On 16/12/2018 the deceased committed suicide. After that the widow lodged her FIR on 30/12/2018.

3. Heard learned Counsel Mr.Paras Yadav for the Applicant and learned APP Ms.A.A. Takalkar for the State.
4. Learned Counsel for the Applicant submits that the allegations against the Applicant are that he had advanced a loan of Rs.50,000/- and was demanding it back. He is not

involved in the offence. The Applicant had not threatened the deceased. He submitted that therefore anticipatory bail should be granted to him.

5. Learned APP submitted that all the persons who had given loan were harassing him and therefore anticipatory bail should not be granted.
6. On the last occasion, interim protection was granted to the Applicant. He was directed to attend the police station. He has accordingly attended the police station and learned APP on instructions states that he has cooperated with the investigation.
7. The FIR itself shows that, on 14/12/2018, in the night the other accused Rohidas Tekale had approached the deceased along with his associates and had threatened the deceased. The Applicant was not with them. The cause of commission of suicide was such meeting between Rohidas Tekale and the deceased. Thus, from the FIR itself it is clear that Rohidas Tekale's meeting with the deceased could be the main cause and

perhaps the real cause of the commission of suicide by the deceased. In that part of the allegations the present Applicant's role is not disclosed. The Applicant's interrogation, when he had attended the police station, has not revealed anything further supporting the prosecution case. In this view of the matter, custodial interrogation of the Applicant is not necessary. He can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.709/18 registered with Sinhagadh Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)