

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No. 339 of 2019
(Devanand Tathe and Anr. Vs. State Through P.S. Buldhana Rural)
With
Criminal Application (ABA) No. 343 of 2019
(Panchafula Surbhe Vs. State Through P.S. Buldhana Rural)
With
Criminal Application (ABA) No. 379 of 2019
(Gajanan Jadhao Vs. State Through P.S. Buldhana Rural)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Cri. Appl. (ABA) No.339/19

Mr. M.I. Dhattrak , Advocate for applicants

Mr. V.P. Maldhure APP for non-applicant.

Cri. Appl. (ABA) No.343/19

Mr. Ranjeet Singh, Advocate for applicant.

Mr. V.P. Maldhure, APP for non-applicant.

Cri. Appl. (ABA) No.379/19

Mr. N.B. Kalwaghe, Advocate for applicant.

Mr. V.P. Maldhure APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 11, 2019

The applicants herein have approached this Court apprehending arrest in connection with FIR dated 09/05/2019, registered against them under Section 306 R/w 34 of the Indian Penal Code.

2. The complainant in the present case is the brother of the deceased, who has claimed that the victim committed suicide due to actions of the applicants herein and other accused persons. It has been brought to the notice of this Court that two of the six accused persons in the present case have been

already granted anticipatory bail by the Sessions Court.

3. The allegations in the present case are that in so far as the applicants in Criminal Application (ABA) No. 339/2019 are concerned, they had failed to execute a sale deed in respect of a particular property in favour of the victim despite having entered into agreement with him, thereby causing severe mental stress to him and the allegation as against the applicants in Criminal Application Nos. 343 and 379 of 2019, is that they were insisting upon return of amounts that they had advanced with interest, thereby, also causing severe mental stress to him, driving him to commit suicide. It is stated in the report, leading to registration of FIR, that the victim told his brother i.e. the complainant on the very day on which he committed suicide that he was being put to tremendous mental pressure due to aforesaid actions of the applicants herein and other two persons.

4. While issuing notice in all these applications, this Court granted ad-interim protection to the applicants on specific conditions, including necessity to attend Police Station Buldhana Rural once a week i.e. on Sunday between 10:00 AM to 5:00 PM. The applicants were also directed to co-operate with the investigation.

5. There is no dispute about the fact that the

applicants have attended the police station regularly. In the reply handed over by the learned APP, which is taken on record in Criminal Application (ABA) No. 343/2019, it is contended that during investigation material has come on record indicating that the suicide note clearly puts the blame on the applicants for driving the victim to commit suicide. It is also stated that there is every chance of the applicants threatening and pressurizing the witnesses if they are granted relief.

6. Considering the facts of the present case, it appears that the allegation against the applicants is that they created a situation where the victim was forced to take his own life. But, the nature of allegation is such that there appears to be no dispute about the fact that the victim had indeed taken loan amount from some of the applicants before this Court and that they were demanding return of the same along with interest. On the basis of material which is presently on record, even if the applicants have been named in the suicide note, it appears that merely because some of the applicants were asking for return of their own money, it cannot be said that they were entirely responsible for the extreme step taken by the victim in the present case. This applies to even those applicants who were supposed to execute sale deed.

7. In any case, since the applicants have

abided by the conditions, the applications deserve to be allowed.

8. Accordingly, the applications are allowed.

9. The applicants are granted anticipatory bail on the same conditions on which they were granted ad-interim protection.

10. The applicants shall continue to attend the Police Station as directed, till filing of charge-sheet and they shall continue to co-operate with the investigation.

JUDGE