

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

CRIMINAL APPLICATION (ABA) NO. 658 OF 2019

Anil Ashruji Gawali .Vs. State of Maharashtra,through P.S.O, P.S. Risod, Dist.
Washim.

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

Court's or Judge's orders.

Mr. S.D. Chande, Advocate for applicant.

Mr. V.A. Thakare, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 18, 2019

This is an application for pre-arrest bail.

The applicant is apprehending his arrest in connection with Crime No.368/2019 registered with Police Station, Risod, Dist. Washim for an offence punishable under Section 306 of the Indian Penal Code.

Heard Mr. Chande, learned counsel for the applicant and Mr. Thakare, learned Additional Public Prosecutor for the non applicant-State. Also perused the reply filed on behalf of the prosecution.

A crime is registered on 15.08.2019 in view of the report lodged by Vishal Vasu. According to the report, there took a loan transaction between first informant's family and present applicant prior to two years. Rs.1,50,000/- were required to be taken from the applicant for performing the marriage ceremony of first informant's sister. According to the first information report, the

applicant used to demand the money and father of the first informant repaid Rs.80,000/-, still according to the first informant report applicant used to demand money from the father of the first informant. The first information report would show that due to the consistent demand resulting into torture, first informant's father Ganesh committed suicide in his residential house by hanging himself.

The first information report in my view *prima facie* does not disclose any ingredient for a person driving to the point of no return and to commit suicide.

Admittedly, the family of the first informant had taken amount by way of loan from the present applicant. Therefore, merely when such person is claiming back his amount, in my view, it cannot be said that there was any intention on his part that his debtor should commit suicide. In that view of the matter, applicant can be protected.

Insofar as attendance to the police station by the present applicant as directed by this Court while granting interim protection vide order dated 27.09.2019 is concerned, the applicant did attend the police station from 04.11.2019 till 17.11.2019. This particular statement is not controverted by the learned Additional Public Prosecutor. The applicant was directed to attend the police station from 01.10.2019 to 07.10.2019 however on these dates applicant could not attend the police station since he was suffering from Dengue. Even learned Additional Public Prosecutor has placed on record the medical certificate given to Police Station Officer by the applicant. Be that as it may. However,

after recovery from Dengue though no specific dates were given to the applicant to attend the police station the applicant did attend the police station from 04.11.2019 till 17.11.2019. That shows that the applicant is not running away from the process of law and is keen to join the investigation.

In that view of the matter, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.368/2019 registered with Police Station, Risod, Dist. Washim for an offence punishable under Section 306 of the Indian Penal Code, applicant – Anil Ashruji Gawali, be released on bail on he executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Risod, Dist. Washim as and when he is called by the investigating officer. However, for that the investigating officer shall give clear cut two days prior written communication to to the applicant.
- (iv) With this, the criminal application is allowed and disposed of.

JUDGE

srwagh