

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1050 OF 2020

Rajesh Namdeo Marathe,
Age 49 years, Occupation Business,
R/o G. D. Maliya Housing Society,
Deopur Tal and District Dhule.

...Applicant

VERSUS

The State of Maharashtra,
Through Deopur Police Station,
Tq. Dist. Dhule.

...Respondent

.....
Advocate for Applicant : Mr. Amol S. Sawant.
APP for Respondent-State : Mr. A. M. Phule.
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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 11-12-2020.

ORDER :

1. Present applicant arrayed, as accused No.2 is apprehending his arrest in connection with Crime No.95 of 2020, registered with Deopur Police Station Tq. Deopur Dist. Dhule, for the offense punishable under Section 306, 504, 506, 507, 34 of IPC, and therefore, he has prayed for anticipatory bail.
2. Heard learned Advocate Mr. Amol S. Sawant for applicant and

learned APP Mr. A. M. Phule for respondent-State. In order to cut short it can be said that both sides have submitted their arguments vehemently supporting their respective contentions.

3. Informant is the widow of deceased Ramesh Sakharam Patil. She is alleging that the three accused persons are the persons from whom deceased had taken loan and as they were insisting on the repayment and harassing him, he has committed suicide. However, perusal of the FIR itself would show that there were at least three chits those have been left by the deceased, and it is the say of the informant that her husband has committed suicide on 02-09-2020 whereas she has lodged report on 05-10-2020. That means, apparently there is delay and as regards first two chits are concerned, he has not blamed anybody. But then surprisingly the FIR says that when her son Amol had gone to their Kirana Shop which in Shram Safalya Colony, at that time he found a notebook of Classmate Company in which on one of the page it is stated that he received threat on his mobile that six months interest is still remaining though he has paid interest @ of Rs.30,000/- per month on the amount of Rs.4 Lakh. It is stated that threat was given that he would be abducted and killed. It was also stated that one

Ramesh Sakharam Patil calls him to his house and insults him in presence of wife i.e. Ramesh's wife and that is the harassment for him. Interesting point is that aid Ramesh Sakharam Patil is not the accused named in the FIR. In the FIR she further states that in the said notebook she found that her husband has returned how much amount he had taken from whom and they are the three persons who have been named as an accused. Thus, even by any stretch of imagination it can be said that name of the present applicant has been included in the suicide note as the person who had harassed deceased. Thus, taking into consideration the contents of the FIR, physical custody of the applicant is not at all required for the purpose of investigation, and therefore, application deserves to be allowed and according it is allowed. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) In the event of the arrest of the applicant Rajesh Namdeo Marathe, in connection with Crime No.95 of 2020, registered with Deopur Police Station, Tq. Dist. Dhule, for the offence punishable under Section 306, 504, 506, 507 read with 34 of the IPC, he be released on PR of Rs.50,000/- (fifty thousand).

- 3) The applicant shall not tamper with the evidence of the prosecution in any manner.
- 4) He shall not indulge in any criminal activity.
- 5) He shall co-operate with the investigation and shall attend the concerned police station on every Sunday till 28-02-2021 or till filing of charge-sheet, whichever is earlier.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-