

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1069 OF 2020

Madhav s/o Gurubasppa Shivpuje,
Age 47 years, Occupation Business,
R/o Sanmitra Colony, Naik Chowk,
Udgir Tq. Udgir Dist. Latur.

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....
Advocate for Applicant : Mr. S. S. Panale.
APP for Respondent-State : Ms. R. P. Gour.
.....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 11-12-2020.

ORDER :

1. Present application has been filed under Section 438 of CrPC, as the applicant is apprehending his arrest in connection with Crime No.366 of 2020, registered with Udgir Rural Police Station Dist. Latur, for the offence punishable under Section 306, 504, 506 read with 34 of the IPC.

2. Heard learned Advocate Mr. S.S . Panale and learned APP Ms. R. P. Gour for respondent-State. In order to cut short it can be said that both of them have argued in support of their respective contentions,

especially the learned APP canvassed that the custody of the present applicant is required for the purpose of investigation and the application filed by the present applicant before the learned Assistant Sessions Judge, Udgir came to be rejected.

3. Informant is the widow of deceased Gopalrao Nidvanche. Said Gopalrao was serving as a Teacher with Zilla Parishad School. He used to go up and down from his place of residence i.e. Udgir to the place of his work i.e. Hetunchi Tanda Tq. Udgir Dist. Latur. It is contended that he had raised loan from the present applicant about three years prior to the FIR for the sake of education of their children. It is contended that deceased had taken loan of Rs.1 lakh and it was agreed that the said amount would be returned within a year with interest. The informant says that in few months only her husband had returned the amount with interest which was almost to the tune of Rs.2 lakh. It is her statement that in spite of the said payment, the present applicant used to demand more amount and used to give threat. She has stated that till the date of FIR, deceased had given amount of Rs.5 lakh to the present applicant due to the fear which was in respect of the loan that was taken in the past i.e. Rs.1 lakh. The informant further says that two months

prior to the FIR again the present applicant met her husband and started demanding amount of Rs.5 lakh. Her husband was under tension and due to the harassment, he expressed to the informant that he has a feeling that he should commit suicide. However, she had tried to persuade him. It is her contention that due to the fear of the applicant, deceased used to stay at home. Informant had gone to the place of her sister on 20-09-2020. In fact, the deceased had left her and her daughter at Devni and at that time informant had told him that to come back to stay along with them. Deceased had promised her to return by 7.30 p.m, however when he did not return, she was contacting on his mobile but he was not picking up. She ultimately gave a ring to the neighbour who also informed that in spite of knocking the door deceased is not opening the door, and therefore, informant contacted her brother. Her brother went to her house and saw that the deceased has hanged himself. Informant also went to her house and saw that her husband has committed suicide. She also found suicide note which has been left by the deceased, thereafter she has lodged the report.

4. At the outset it is to be noted that there appears to be financial transaction between the deceased and the present

applicant as per the say of the informant. There is nothing in writing with her as it appears which could support her contention that for returning the loan of Rs.1 lakh in fact her husband has paid amount of Rs.5 Lakh. The deceased had every opportunity to knock the doors of the Court as well as police if at all there was substance in the say of the informant, however no such legal action was taken. Now as regards the suicide note is concerned, it is already with the police. Though it is stated in the suicide note that deceased is ending his life due to harassment by the present applicant, yet for the purpose of investigation the physical custody of the applicant need not be required. Hence, application deserves to be allowed and accordingly it is allowed. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) In the event of the arrest of the applicant Madhav Gurubasppa Shivpuje, in connection with Crime No.366 of 2020, registered with Udgir Rural Police Station, Udgir Dist. Latur, for the offence punishable under Section 306, 504, 506 read with 34 of the IPC, he be released on PR of Rs.50,000/- (fifty thousand) with two solvent sureties of Rs.25,000/- each (twenty five 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 remain present before Investigating Officer on every Saturday and Wednesday between 10.00 a.m. to 02.00 p.m. till filing of charge-sheet.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-