

1**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
NAGPUR BENCH, NAGPUR.**CRIMINAL APPLICATION [ABA] NO. 269/2020.**

Rajesh Mohan Bhagwanani

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S. Dewani, Advocate for the Applicant.
Shri C.A. Lokhande, A.P.P. for the Non-applicant – State.

CORAM : VINAY JOSHI, J.**DATE : AUGUST 11, 2020.**

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is apprehending to be arrested in Crime No. 584/2019, registered at Gadge Nagar Police Station, Amravati relating to offence punishable under Sections 306 read with 34 of the Indian Penal Code. The applicant seeks bail by claiming innocence and false implication. The State has opposed the bail by filing reply affidavit.

3. At the instance of FIR dated 03.06.2019 lodged by brother of deceased Mukesh, a crime came to be registered. It is alleged that the applicant and

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co-accused have insisted the deceased to pay Rs.4.5 lakhs towards sold goods. Since there was continuous insistence to pay the amount, Mukesh committed suicide.

4. Learned A.P.P. has read over the FIR wherein some instances are quoted to say that time and again applicant and co-accused were asking to return the price of sold goods. Admittedly, deceased Mukesh left his house on 13.03.2019, whilst his dead body was found in the Well on 16.03.2019. The deceased had not left any suicidal note. According to the prosecution, the applicant has abetted the deceased by way of instigation to commit suicide.

5. It is germane to note that though the informant stated some of the incidents of insistence prior to death, however, the FIR was not lodged for two months. Despite knowledge of prior instance for payment, report was not lodged for longer time, itself creates prima facie doubt about his version.

6. In order to constitute an offence of abetment there should be intentional instigation on the part of the applicant. Mere demand of money without any further material may not attract the

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offence. Nothing is to be recovered at the instance of the applicant. I may add that after recovering body of the deceased, immediately police have registered accidental death, but, no report was lodged against the applicant. Having regard to the nature of offence and the allegations leveled against the applicant, he has made out a case for grant of pre-arrest bail on certain terms and conditions.

7. In view of that, the ad-interim order dated 24.07.2020 passed by this Court is hereby made absolute with further direction to the applicant to attend the concerned police station on every alternate Monday between 10.00 a.m. to 12.00 noon, from 17.08.2020, till the filing of the charge sheet

8. Criminal Application is accordingly allowed and disposed of.

9. This order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

Rgd.