

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1176 OF 2021

Vishal s/o Kishan Talekar ... **Applicant**
Age 26 years, Occu: Service & Education
R/o Khandoba Bazar, Dhar Road,
Parbhani Tq & Dist. Parbhani

VERSUS

The State of Maharashtra, ... **Respondent**
Through Mondha Police Station, Parbhani.

Mr. Abdul Quadir h/for Mr. Sudarshan J. Salunke, Advocate for the
applicant,
Mr. A. V. Deshmukh, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.
DATE : 30th November, 2021

ORDER:

1. Heard both sides.
2. The first information report has been registered vide Crime No.232/2021 with Mondha Police Station, Parbhani, District Parbhani for the offences under sections 306, 506 r/w 34 of Indian Penal Code (for short "IPC").
3. It is alleged that victim had borrowed money from several persons. He was harassed by the applicant and co-accused Prakash Dhabale. He was pressurized to part with huge amount and he was

compelled to commit suicide. Suicide note was found implicating applicant and co-accused Prakash Dhabale.

4. Learned counsel for the applicant submits that there is delay in lodging the first information report. Assuming the allegations to be true, Section 306 IPC is not attracted in this case. Merely on account of demand of money which was parted to the victim, it cannot be said that there was instigation by the accused to the victim to commit suicide. Co-accused Prakash Dhabale had preferred application for pre-arrest bail before this Court which has been allowed by order dated 12th October, 2021.

5. The learned APP submits that suicide note recovered during the course of investigation attributes specific overt act to the applicant. There was demand of huge amount. Victim was pressurized and even assaulted. Victim had video recorded before committing suicide which implicates the applicant.

6. From the FIR and other documents on record, it is apparent that the victim had borrowed money from the accused and there were persistent demands for return of the amount. Application preferred by the co-accused Prakash Dhabale whose reference is also made in the suicide note has been granted pre arrest bail by this Court. The applicant was granted interim protection by order dated 12th October,

2021. It is a debatable question whether section 306 can be invoked in this case.

7. Considering the aforesaid fact, this application can be allowed. Custodial interrogation is not required. Hence, I pass the following order:

ORDER

- i. Anticipatory Bail Application No. 1176 of 2021 is allowed;
- ii. Interim protection granted vide order dated 12.08.2021 is confirmed.
- iii. In the event of arrest of the applicant in connection with Crime No.233/2021 registered with Mondha Police Station, Parbhani, District Parbhani for the offences punishable under section 306, 506 read with 34 of the Indian Penal Code, the applicant be released on bail on executing PR bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iv. The applicant shall report the investigating officer on 7th, 8th and 9th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of the charge sheet.
- v. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC