

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

**926 ANTICIPATORY BAIL APPLICATION NO.1279 OF 2021
WITH APPLN/2663/2021 IN ABA/1279/2021**

**SHAIKH IMRAN SHAIKH ABDUL MAJID
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. R.N.Jadhav, Counsel for applicant
Mr. A.S.Shinde, APP for Respondent-State
Mr. V.H.Pathade, Counsel for the informant (assist to APP)

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CORAM : PRAKASH D. NAIK, J.

DATE : 24th NOVEMBER, 2021

PER COURT:

1] This is an application for anticipatory bail in connection with Crime No.0393 of 2021 registered on 26.09.2021 with Mukundwadi Police Station, Aurangabad for the offences under Sections 306, 506 read with 34 of Indian Penal Code (for short, 'IPC').

2] The case of the prosecution is that husband of complainant was plying auto rickshaw at Aurangabad. He had purchased auto rickshaw through Bajaj Finance in the name of Shaikh Imran Shaikh Abdul Majid on loan installments. Complainant's husband was guarantor to the loan. Shaikh Imran Shaikh Abdul Majid had permit for five years. Complainant's husband decided to sell rickshaw. Shaikh Imran sold rickshaw to Javed Sabir Quareshi on 03.05.2021 by

executing Notary agreement. The balance installments were to be paid by Javed Quareshi. Since the installments were not paid, the finance company were following complainant's husband (victim) to pay loan installments. Shaikh Imran visited her house with employees of Finance Company and victim was told to pay installments. He was threatened by employees of finance company. They again visited house of victim and threatened him. Legal notice was issued through Advocate to victim. Due to harassment, victim committed suicide by hanging.

3] Learned Counsel for the applicant submitted that the provisions of Section 306 of IPC would not be attracted. The allegations are vague. There was no instigation /abatement by applicant to the victim to commit suicide. Rickshaw was sold to another person. According to complainant, the loan installments were to be cleared by purchaser. Threats were not issued by applicant.

4] Learned APP submitted that the victim was under pressure on account of the conduct of the applicant and the co-accused. The victim was the guarantor for the loan. He was pressurized to pay the installments. He was compelled to commit suicide. The statements of

witnesses support the case of the prosecution that the applicant and the co-accused had abetted to commit suicide.

5] Learned counsel for the complainant made similar submissions. The victim was the guarantor. The loan installments were required to be paid by purchaser of rickshaw. The victim was threatened and compelled to pay the installments. In these circumstances, he had no other option to commit suicide on account of harassment meted out to him by the accused.

6] The applicant was granted interim protection by order dated 28.10.2021. The applicant was permit holder for operating Auto Rickshaw. It was purchased by victim by obtaining loan from Finance Company. Rickshaw was operated by victim. Due to lock-down, there were no earnings. Victim was guarantor to loan. The balance installments were to be paid by purchaser, who had purchased auto rickshaw. The victim was purchased in name of applicant. There is lack of evidence to constitute offence under Section 306 of IPC against applicant. Custodial interrogation of applicant is not warranted. It is difficult to accept that the victim was pressurized and instigated by applicant to take extreme step to commit suicide. In these circumstances, interim relief granted to the applicants can be confirmed. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.1279 of 2021 is allowed.
- (ii) Interim order dated 28.10.2021 is confirmed.
- (iii) In the event of arrest of applicant in connection with Crime No.0393 of 2021 registered with Mukundwadi Police Station, Aurangabad, the applicant be released on bail on his executing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount.
- (iv) Applicant shall report Investigating Officer on 1st, 2nd and 3rd December, 2021 between 11.00 am to 01.00 pm and thereafter, as and when called for, till filing of charge-sheet.
- (v) Application stands disposed of.
- (vi) Criminal Application No.2663/2021 disposed of.

(PRAKASH D. NAIK, J.)

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