

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 836 OF 2020

Ulhas Nandkumar Mane	 Applicant
versus	
The State of Maharashtra	 Respondent

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Ms. Anjali Awasthi, Advocate for Applicant.
Smt. A. A. Takalkar, APP for the State/Respondent.

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CORAM : SARANG V. KOTWAL, J.
DATE : 12th FEBRUARY, 2021

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.352/2020 registered with Salgarwasti Police Station, Solapur City, Dist. Solapur dated 17th September 2020 under Sections 306, 504, 506 of the Indian Penal Code, 1860 and under Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.
2. Heard Ms. Anjali Awasthi, learned Counsel for Applicant and Smt. A. A. Takalkar, learned APP for the State.
3. The F.I.R is lodged on 17th September 2020 by one

Meena Changbhale in respect of commission of suicide by her husband Anil. It is stated in the F.I.R. that the deceased was a rickshaw driver and was working part time in a library. One Dattatray Gaikwad who was Anil's friend was in need of money. Therefore through Anil, accused Tanaji Bhosale gave Dattatray Rs.35,000/- as loan at the rate of 5% interest. Dattatraya expired. The money was not returned to Tanaji. But since Anil was mediator in this transaction, Tanaji started demanding money from the deceased Anil. There are allegations that the deceased was abused and threatened. Deceased returned Rs.5,000/- but Tanaji continued harassing him. There are allegations that Tanaji and accused Kiran Shinde used to come to Anil's house and used to threaten him. There are allegations that to return Tanaji's money, the deceased took Rs.40,000/- by way of loan from the present applicant at the rate of 10% on interest and had returned Rs.5,000/- to Tanaji. After that, the present applicant started harassing the deceased for repayment of his loan. Getting frustrated, the deceased Anil committed suicide on 16th September 2020. On this basis, the F.I.R. is

lodged.

4. Learned Counsel for the applicant submitted that the co-accused Kiran who is similarly placed is granted anticipatory bail by the Court of Sessions. She submitted that the applicant himself had approached this Court on an earlier occasion vide Criminal A.B.A.(Stamp) No.2764/2020. The factum of anticipatory bail having been granted to Kiran Shinde was pointed to this Court (Coram: C.V. Bhadang, J.). On that occasion, this Court had permitted the applicant to approach the Court of Session again claiming parity with co-accused Kiran Shinde.
5. In accordance with this application, the applicant again approached the Court of Sessions vide Bail Application No.1210/2020. But his application was rejected by the same learned Judge vide his Order dated 2nd November 2020 who had earlier granted anticipatory bail to co-accused Kiran Shinde vide Order dated 15th October 2020. The learned Counsel therefore, submitted that on the principles of parity, the applicant also deserves the same protection.

6. Learned APP produced investigation papers before me. She pointed out that brother of the deceased has given a statement. According to him, the applicant had once called this witness telling him to transfer rickshaw owned by deceased in his name. She also invited my attention to a complaint lodged by the deceased addressed to the Police Commissioner. She therefore, opposed this application.
7. I have considered these submissions. The statement of brother of the deceased is recorded on 18th September 2020 and at that point, the applicant apparently suggested to this witness that the rickshaw belonging to the deceased should be transferred in his name. However, no such allegations are found in the F.I.R. or in the suicide note. The suicide note does not even refer to the allegations that the deceased had taken loan from the present applicant. The suicide note which is in the form of application to the Police Commissioner mentions only about the loan taken from Tanaji Bhosale to the tune of Rs.35,000/- which was given to the Dattatray. There is no reference to the loan taken from the present applicant.

8. Therefore, the applicant's case is exactly similar to that of Kiran Shinde. There is some discrepancy in the allegations and it appears that the allegations against the applicant are exaggerated.
9. In this view of the matter, on the principles of the parity, the applicant deserves the same protection as granted to Kiran Shinde.
10. Hence, the following order.

ORDER

- (i) In the event of his arrest, in connection with C.R.No.352/2020 registered with Salgarwasti Police Station, Solapur City, Dist. Solapur, the applicant is directed to be released on bail on him furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)