

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

CRIMINAL APPLICATION NO. 28 OF 2017

Aniket Ashok Kolambekar

..Applicant

v/s.

Chandrakant Anant Kolambekar & Anr.

..Respondent/s

None for the Applicant .

Mr. Sagar Talekar i/b. Vilas Mali for the Respondent No.1.

Ms. P.N.Dabholkarl APP for the Respondent-State.

CORAM : ANUJA PRABHUDESSAI, J.

DATED : 7th September, 2021.

P.C.

1. This is an Application under Section 439 (2) Of Cr.P.C. for cancellation of bail granted to Respondent No.2 vide order dated 09.09.2016 in Bail Application No. 196 of 2016.

2. Pursuant to the FIR lodged by the Applicant herein, Crime No.74 of 2016 was registered against the Respondent No.1 for the offences under Section 306 and 420 of IPC. The first informant had alleged that his mother had taken loan of Rs.87,000/- from Ladies Fund and given the same as hand loan to the Respondent No.1. The Respondent No.1 failed to repay the same despite

repeated requests. It is stated that the Respondent No.1 had told the mother of the first informant that he would not repay the said amount of loan. The Applicant herein claims that his mother consumed poison as the Respondent No.1 had refused to repay the loan. He therefore contended that the Respondent No.1 abetted suicide and thus committed offence under Section 306 and 420 of IPC.

3. The accusation made against the Respondent No.1, do not prima facie make out a case of abetment of suicide. The order of bail cannot be said to be perverse and does not suffer from infirmities. The Applicant has not misused the liberty. It is also stated that the evidence has commenced. No case is made out for cancellation of bail under Section 439 Cr.P.C. Application has no merits and is accordingly dismissed.

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(ANUJA PRABHUDESSAI, J.)