

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

ANTICIPATORY BAIL APPLICATION NO. 1481 OF 2021

Narmada Suresh Kale	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Priyal G. Sarda for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 28th JUNE, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.72 of 2021 registered at Salgarvasti Police Station, Dist. Solapur, under sections 306, 323, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC') and under sections 39, 45 and 34 of The Maharashtra Money Lending (Regulation) Act, 2014.
2. Heard Shri. Priyal Sarda, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by one Payal Chavan who is widow of deceased Kishor

Chavan. She has stated that, deceased Kishor was working with 'SETU' for making Aadhar card, ration card etc. After lockdown was imposed he had lost his job. His financial difficulties mounted day by day. His wife i.e. the first informant was pregnant and, therefore, the deceased had taken loan from some people. There are allegations that, he had taken Rs.15000/- from Kiran Chavan, Rs.10000/- from the applicant, Rs.15000/- from Rajesh Kale, Rs.10000/- from Aniket Gaikwad and Rs.9000/- from Mahesh Kale at some interest. However, he was unable to repay their amounts. It is alleged that, all these people who had advanced money were demanding back their amounts. The F.I.R. mentions that, one month prior to the incident, Aniket had gone to their house and had abused the deceased and had beaten him. The F.I.R. mentions that, Mahesh and Rajesh had also visited their house and had abused and threatened the deceased. The deceased was harassed. It is alleged that, on 22.04.2021 Kiran demanded money from him. He told the deceased that Rajesh had called him. The deceased went with him, but he did not return. The informant then lodged a complaint about his missing from the house. On 25/04/2021, dead

body of the deceased was found in a well. After that, this F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, there are no specific allegations of harassment against the applicant in the F.I.R. Allegations are common that the applicant had demanded her money back. There are specific allegations against other money lenders. He submitted that, in any case, demanding her own money back would not attract section 306 of IPC.

5. Learned APP opposed this application. She submitted that the investigation carried out so far contain statements of Akshay, Vikas, Vaishnavi. They have stated that, even the present applicant had abused and threatened the deceased couple of days prior to the incident.

6. I have considered these submissions. As rightly submitted by learned counsel for the applicant, the F.I.R. does not attribute any specific role of harassment either before the incident or even a few days before the incident. However, as mentioned by learned APP, other villagers have stated that the applicant had also caused harassment to the deceased. However, it is extremely

doubtful whether act of demanding money back would fall within section 107 r/w. Section 306 of IPC. The harassment mentioned by these witnesses attributed to the applicant is not to that extent whereby the deceased was forced to commit suicide because of act of the applicant. However, this fact will have to be conclusively established and decided during trial. At this stage, the applicant who is a lady has sufficiently made out a case for grant of anticipatory bail. Her custodial interrogation is not necessary.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.72 of 2021 registered at Salgarvasti Police Station, Dist. Solapur, the applicant is directed to be released on bail on her furnishing P.R. 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.)