

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2407 OF 2019

Jayantilal Thakarsi Bhanushali

...Applicant

vs.

Senior Inspector of Police, Khadakpada
Police Station and Another

...Respondents

VISHAL
SUBHASH
PAREKAR

Mr. V.R. Kasle i/b. Ms. Meena Sharma, for the Applicant
Smt. S.V. Sonawane, APP for the Respondent-State.

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CORAM : N. J. JAMADAR, J.

DATE : SEPTEMBER 04, 2021

P.C.:

. This is an application for pre arrest bail in connection with C.R. No. 324 of 2019 registered with Khadakpada police station, Kalyan(E), for the offences punishable under section 306 read with 34 of Indian Penal Code, 1860 (the Penal Code).

2. The indictment against the applicant is that he is an accomplice of one Guruji, the principal accused. Paresh, the deceased son of the first informant had allegedly borrowed Rs. 30 lakhs from the said Guruji for betting on cricket. Paresh had lost the said amount in the betting. Accused Guruji and his associates were harassing Paresh. As the harassment became unbearable Paresh committed suicide. Hence, the first informant lodged

report against Guruji and his associates for abetting the commission of suicide by Paresh.

3. In the backdrop of the aforesaid nature of the allegations by order dated 5th November, 2019, the interim relief was granted to the applicant.

4. Heard Mr. Kasle, learned counsel for the applicant and Smt. Sonavane, learned APP for the State.

5. Mr. Kasle, the learned counsel for the applicant submitted that principal accused Guruji @ Kailash Raigar has since been released on bail. There are no allegations against the applicant in the first information report. Nor the applicant was named therein. Thus, the applicant is entitled to be released on pre arrest bail.

6. Smt. Sonavane, learned APP submitted that custodial interrogation of the applicant is warranted to unearth the larger betting scandal.

7. Evidently, the applicant was not named in the first

information report. The allegations were primarily made against the principal accused Guruji @ Kailash and his unknown associates. Indisputably, Guruji @ Kailash has been released on regular bail. In any event, there is no material to prima facie indicate that the applicant had instigated or intentionally aided the deceased to commit suicide. In the backdrop of the nature of allegations, custodial interrogation of the applicant does not seem warranted.

Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] The interim order dated 5th November, 2019 stands confirmed on the terms and conditions incorporated therein.
- 3] In addition, the applicant shall regularly attend the proceeding arising out of first information report No. 324 of 2019 before the jurisdictional Court.
- 4] The application stands disposed of.

(N. J. JAMADAR, J.)