

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

ANTICIPATORY BAIL APPLICATION NO.703 OF 2022

1. DHANANJAY PANDURANG CHOUDHARI AND
2. MAYUR S/O DHANANJAY CHOUDHARI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Ms. Kakade (Matkar) S.
Parmeshwar APP for Respondent : Mr S B Narwade

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CORAM : SARANG V. KOTWAL, J.

Dated: June 09, 2022

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PER COURT :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.92 of 2022, dated 2.5.2022, registered at Bhoom Police station, District Osmanabad, for the offence punishable under section 306 r/w 34 of the Indian Penal Code.

2. The F.I.R. is lodged by one Vandana Mali in respect of suicide committed by her husband Pravin. She has stated that, Pravin had taken Rs.60,000/- from the applicant no.1 Dhananjay Choudhary on interest and in lieu thereof had given eight blank cheques. He was unable to return the money. It is mentioned in the FIR

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that, the applicant no.1's son Akshay used to approach the deceased and used to threaten him while demanding money. He started demanding Rs.12.00 lacs. A week prior to the incident, Akshay and applicant no.2-Mayur Choudhary came to her house and demanded Rs.12.00 Lakhs. They suggested that Pravin's land be transferred in their name. It is the case in the FIR that both of them gave threats. In the night between 1.5.2022 and 2.5.2022 Pravin committed suicide by hanging himself from a tree in their field. A suicide note was found on his person. On this basis FIR is lodged.

3. Heard Ms. Kakade, learned counsel for the applicant and Mr. Narwade, learned APP for the State.

4. Learned counsel for the applicants, at the very outset, submits that, she is not pressing the application on behalf of applicant no.1- Dhananjay Choudhary. Therefore, his application is disposed off as withdrawn.

5. I have considered this application only for applicant no.2-Mayur S/o Dhananjay Choudhary.

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6. Learned counsel for the applicant no.2 submitted that the suicide note does not mention his name. He is implicated only because he is son of the applicant no.1- Dhananjay and brother of the main accused Akshay. Akshay is already arrested. She further submitted that, there is only one reference to the applicant no.2's name regarding an incident which had taken place a week prior to the commission of suicide by Pravin Mali. He alongwith his brother Akshay had allegedly threatened the victim. However, this incident is not true. His name is not mentioned in the suicide note.

7. Learned APP opposed this application. He submitted that, it appears from the contents of the FIR that, the applicant no.2 had also given threats to the deceased, therefore, the Applicant no.2 may not be released on anticipatory bail.

8. I have considered these submissions and I have perused the investigation papers including the suicide note. The Suicide note makes a specific reference to Akshay. There is some reference to applicant no.1-

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Dhananjay. Suicide note mainly blames main accused Akshay. Applicant no.2's name is not mentioned in the FIR. Thus, the victim himself has not blamed the applicant no.2-Mayur for his taking that extreme step. The only circumstance against the applicant no.2 is about the allegations regarding threats issued prior to one week of the incident. However, in that context, statement of an independent witness Hanumant Mali is important. That statement is recorded on 8.5.2022. He has described that, on 26.4.2022, Akshay and the applicant no.2-Mayur had gone to the house of the deceased. This witness Hanumant was present in the deceased's house. At that time, Akshay and the applicant no.2 were demanding Rs.12.00 Lakhs. They suggested that the deceased should transfer his land in their name for a period of four months till the amount was paid. At that time, the informant i.e. wife of the deceased had not accepted that proposal. This witness has not uttered any word about any threats having been given by the applicant no.2. Therefore, at this stage, material against the applicant no.2 is very weak. Main
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accused Akshay is already arrested. In this background, the applicant no.2-Mayur can be protected by an order of anticipatory bail. Hence, the following order.

ORDER

- i. The application on behalf of applicant no.1 Dhananjay Pandurang Chaudhari is allowed to be withdrawn and disposed off.
- ii. In the event of arrest of the applicant no.2-Mayur S/o Dhananjay Choudhary, in connection with C.R.92 of 2022, registered at Bhoom Police Station, he is directed to be released on his furnishing PR bond in the sum of Rs.25,000 (Rs. Twenty Five thousand) with one or two sureties in the like amount.
- iii. The applicant no.2 Mayur S/o Dhananjay Choudhari shall attend the concerned police station as and when called and shall cooperate with the investigation.
- iv. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

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