

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. ANTICIPATORY BAIL APPLICATION NO. 113 OF 2022

Saudagar Vasant Salunke	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Viresh V. Purwant, for the Applicant.
Mr. S. R. Agarkar, APP for the Respondent / State.
P.N.1773–R.R.Thombre, Tembhorni Police Station, Solapur(Rural).

CORAM : C.V. BHADANG, J.
DATE : 21 JANUARY 2022
(Through Video Conferencing)

P.C.

. By this Application, the Applicant apprehending arrest in connection with investigation of Crime No. 771/2021 of Police Station Tembhorni, District Solapur under Section 306, 504 r/w. 34 of IPC and Section 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014, is seeking anticipatory bail.

2. As per the FIR, registered on 22 December 2021, by Varsha Kasved who is widow of the deceased, the deceased had committed suicide by hanging at about 10.00 a.m. to 1.00 p.m. on 22

December 2021 when the deceased was alone at house. The FIR discloses that according to the informant, her husband had obtained a loan of Rs.7 Lakhs from the Applicant in the year 2015 as the deceased was indebted on account of the construction of a house and a shop. As a security for the said amount, 'temporary sale deed' was executed in respect of ancestral land of the deceased in favour of the Applicant. She claims that although the amount of Rs.7 Lakhs was returned and asking the Applicant to execute the reconveyance, the Applicant was demanding an amount of Rs.35 Lakhs and was abusing and threatening the deceased which led the deceased to commit suicide.

3. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

4. I have gone through the copy of the sale deed which is produced on record. There is a sale deed executed in respect of the land on 1 June 2015 by Mahadev Babu Kasved who is the father of the deceased and the deceased had signed the same as a witness. *Prima facie*, there is no recital of any reconveyance or the sale deed being executed by way of security in the sale deed. It is necessary to note that the sale deed is of the year 2015 and the deceased committed suicide in December 2021. There are no allegations in the FIR that the amount of Rs.7 Lakhs was returned. There is a

suicide note recovered during the course of the investigation from the person of the deceased which indicates the name of the present Applicant. It is pointed out that the same has been sent to the Handwriting Expert and the report is awaited.

5. Considering the over all circumstances, in my considered view, protection can be granted to the Applicant, subject to conditions. Hence, the following order.

ORDER

1. In the event of his arrest in connection with investigation of Crime No. 771/2021 of Police Station Tembhurni, District Solapur, the Applicant be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

2. The Applicant shall report to Investigating Officer on 1/2/2022, 2/2/2022 and 3/2/2022 between 11.00 a.m. to 1.00 p.m. and as and when directed by the Investigating Officer.

3. The Applicant shall not leave Solapur District without prior intimation / permission of the Investigating Officer.

4. The Applicant shall not make any attempt to contact the first informant or any other prosecution witnesses and shall not otherwise tamper with the prosecution evidence.
5. Liberty to the prosecution to apply for modification / cancellation of bail, after receipt of the report of the Handwriting Expert.
6. The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.