

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

ANTICIPATORY BAIL APPLICATION NO.1022 OF 2022

Shri Eknath Balwant Ghorpade ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr.Anand S. Patil, Advocate for the Applicant.
Mr.A.A.Palkar, APP for the Respondent/State.

**CORAM : VINAY JOSHI, J.
DATE : 25th APRIL, 2022.**

P.C.:-

1. In anticipation of arrest, the applicant is seeking pre-arrest protection in Crime No.226 of 2022 registered at Shahapuri Police Station, Kolhapur for the offences punishable under Sections 306 r/w 34 of Indian Penal Code and under Sections 45 and 39 of the Maharashtra Money Lending (Regulation) Act, 2014.
2. The applicant seeks bail on the ground of innocence, false implication, inadequacy of evidence etc.. The State resisted bail by pointing towards seriousness of offence.
3. At the instance of report lodged by brother of deceased, crime was registered. It is the prosecution case that deceased Santosh was running a mobile shoppe in partnership with co-accused Vishal and applicant Eknath. Those partners have advanced amount of Rs.1,47,000/- to deceased Santosh. Time to time both of them have harassed deceased for refund of money and therefore, by getting rid of harassment, Santosh committed suicide.

4. During course of investigation police have seized suicidal note found at the person of deceased. Perusal of suicidal note indicates that the entire allegations are against co-accused Vishal about money lending and repeated insistence for refund. In concluding paragraph only the name of applicant has been mentioned in generalized manner.

5. It is the prosecution case that on and often both accused used to threaten deceased and his wife for refund of amount. Particularly statement of wife of deceased is gone into. She made a detailed narration as to how co-accused Vishal used to insist for money, harassed, visited her house etc. *Prima facie*, it reveals that the main allegations are against co-accused Vishal who is already arrested.

6. In order to constitute offence punishable under Section 306 of the Indian Penal Code, there must be intentional act.

7. Having regard to the fact that both deceased and his wife gave a prime role to co-accused, the applicant's liberty can be protected. Certainly, he is to put on terms to facilitate the course of investigation. In view of that, the following order:-

(a) The application stands allowed.

(b) In the event of arrest, the Applicant/Accused namely - Eknath Balwant Ghorpade in Crime No.226 of 2022 registered at Shahapuri Police Station, Kolhapur for the offences punishable under Sections 306 r/w 34 of Indian Penal Code and under Sections 45 and 39 of the Maharashtra Money Lending (Regulation) Act, 2014, he be released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

(c) The applicant shall attend the concerned Police Station on every Sunday in between 10.00 a.m. to

12.00 noon to facilitate the investigation till filing of charge-sheet.

(d) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.

(e) The application stands disposed in above terms.

(VINAY JOSHI, J.)

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