

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1138 OF 2022

Nilesh Vishnupant Tamboli

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Shailesh Chavan a/w Mr. Sangram Mundhekar,
Advocate, for the Applicant

Mr. A. A. Palkar, Advocate, for the Respondent – State

CORAM : VINAY JOSHI, J.

DATE : 26.04.2022

P. C.

. Apprehending to be arrested in C. R. No. 298 of 2022 registered with the Satara City Police Station for the offences punishable under Sections 306, 294, 504, 506 r/w 34 of the Indian Penal Code and under Section 39 of the Money Lending Act, the Applicant is seeking for pre-arrest protection.

2. The State has opposed for grant of pre-arrest protection.

3. The informant's son namely Mahesh committed suicide by hanging on 06.04.2022. After four days, the informant lodged a report principally alleging against co-accused namely Ganesh Gaikwad. He stated that the deceased had incurred a loan from three persons including the Applicant - Nilesh. It is stated that after two days from the suicide note, while verifying mobile handset of the deceased, call recording was found indicating that co-accused - Ganesh threatened the deceased for not repaying hand loan.

4. Taking the contents of FIR as it stand, still, prima facie, it is difficult to construe sufficient abetment at the instance of the Applicant. The prosecution case itself suggests that due to multiple loans and harassment meted out by one of the creditors i. e. co-accused, the Applicant committed suicide. Having regard to these facts, the Applicant's liberty can be protected. Hence, the following order.

ORDER

- (i) The Application stands allowed;
- (ii) In the event of arrest, the Applicant namely Nilesch Vishnupant Tamboli in C. R. No. 298 of 2022 registered at Satara City Police Station, District – Satara for the offences punishable under Sections 306, 294, 504, 506 r/w 34 of the Indian Penal Code and under Section 39 of the Money Lending Act, be released on interim bail on his furnishing P. R. Bond of Rs. 25,000/- with one or two sureties in the like amount;
- (iii) 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;
- (iv) The Applicant 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 evidence.

5. The Application stands disposed of.

(VINAY JOSHI, J.)