

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.247 OF 2022

Jayshree Rajmallaya Dhumala ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. S.K. Mishra i/b. Mr. S.K.Mishra & Co., for the Applicant
Mr. Y.Y. Dabake, APP, for the State.

CORAM : N. J. JAMADAR, J.
DATE : JUNE 21, 2022

P.C.:

1. This is an application for pre-arrest bail in connection with C.R. No. 73 of 2021 registered with Vengurla police station, Sindhudurga for an offence punishable under section 306 read with 34 of Indian Penal Code, 1860.

2. Umesh Takakar (the deceased) was the cousin of Brahmanand Takakar (the first informant). The deceased was dealing in Real Estate business. On 26th February, 2021, the deceased committed suicide by hanging. A chit was allegedly found, wherein the deceased had allegedly recorded that, the co-accused Ajinkya Gavade had made him to execute a Sale Deed in respect of the shop premises at building Nos. 2521 and 2540 under duress. The co-accused Ajinkya Gavade had lent him a sum of Rs. 18 lakhs

Vishal Parekar

This is a corrected order as per Speaking to Minutes order dated 06-09-2023. ...1

at a exorbitant rate of interest @ 6% per month. The deceased had repaid a sum of Rs. 50 to 55 lakhs. Yet, the deceased was compelled to execute the Sale Deed and, therefore, the deceased was forced to commit suicide. Overleaf the said chit, it was also mentioned that the applicant and Pariniti Sawant, Ketan Patil, Prakash Pandav, Jayshree Rajmallaya Dhumala and Tarun Singh had also agreed to finance him, but cheated him. Therefore, inquiry be conducted qua the applicant and above named persons.

3. By an order dated 5th April, 2022, this Court had granted interim protection to the applicant on the condition of cooperating with the investigation and reporting investigating officer on 18th and 19th April, 2022.

4. I have carefully perused the allegations in the first information report. The allegations are primarily against co-accused Ajinkya Gavade who was allegedly dealing in the business of illegal money laundering. The said accused had coerced the deceased to execute the Sale Deed. At best, the allegations against the applicant is that the applicant was one of the persons who had promised to provide financial assistance but did not keep the promise. The deceased had desired that the conduct of the applicant

and other persons who had promised to render financial assistance be also inquired into. The aforesaid allegations qua the applicant prima facie, do not make out a case for abetment to commit suicide. Prima facie, there does not seem to be either instigation or intentional aid, by act or conduct, to commit suicide. I am, therefore, persuaded to exercise the discretion in favour of the applicant. Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] In the event of arrest in C.R. No. 73 of 2021 registered with Vengurla police station, Sindhudurg for the offence punishable under section 306 read with 34 of Indian Penal Code, 1860 the applicant Jayshree Rajmallaya Dhumala be released on bail on executing a P.R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount or cash security in lieu of surety.
- 3] The applicant shall cooperate with the investigation and report the investigating officer as and when directed.
- 4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to any of the prosecution witnesses.
- 5] The applicant shall attend the proceeding before the jurisdictional Court.

(N. J. JAMADAR, J.)