

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

ANTICIPATORY BAIL APPLICATION NO. 731 OF 2022

Domnic Paul Fernandes & Anr. ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Aashay Topiwala for the Applicant.

Ms. S.S.Kaushik, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 21st MARCH, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicants seeking pre-arrest bail in C.R.No.381 of 2022 registered with Mulund Police Station for offence under Section 306 r/w. 34 of IPC.

2. The aforesaid crime was registered pursuant to the report lodged by Sham Parmar, the son of the deceased. Deceased Chetanbhai Parmar had committed suicide on 15.02.2022. He had left behind a suicide note dated 12.01..2022 alleging that he had taken loan from the Applicant No.2 Rekha Domnic Fernandes, wife of the Applicant No.1 and that he was tired of giving 10% interest for the loan amount. He had also alleged that he had paid double the loan amount towards interest, despite which he was being threatened by the Applicants and another person by

name Rajjakhai, and that they were responsible for his death.

3. Heard Mr. Topiwala, learned Counsel for the Applicant and Ms. Kaushik, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

4. The records prima facie indicate that the deceased had taken loan of Rs.1,00,000/- from the Applicant No.2 which was transferred into the bank account of the deceased Chetan Parmar. It is stated that the deceased had also taken loan from several others and that he has committed suicide as he was unable to repay the loan. Prima facie, no case of criminal abetment is made out within the meaning of Section 107 of IPC. The nature of the allegations and the material in support thereto would not justify custodial interrogation. Under the circumstances, the Application is allowed on the following terms and conditions:

(i) In the event of arrest of the Applicants in Crime No. 381 of 2022 of Mulund Police Station, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

- (ii) The Applicants shall report to the Investigating Officer for four days from 28th March, 2022, and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.
- (iii) The Applicants shall provide their permanent as well as temporary address, if any, and their contact details to the Investigating Officer.
- (iv) The Applicants shall not change their residential address without prior intimation to the Investigation Officer.
- (v) The Applicants shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR

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signed by
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(ANUJA PRABHUDESSAI, J.)