

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.878 OF 2021**

Kiran Deepak Kamble-Desai ... Applicant
versus
The State of Maharashtra ... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.770 OF 2021**

Krishnath Prakash Gaud ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Shailesh Chavan i/by Mr. Milind Deshmukh, for Applicant in ABA 878 of 2021.
Mr. Prashant P. Jadhav, for Applicant in ABA 770 of 2021.
Mr. P.H.Gaikwad, APP, for State.
Mr. Shrikant T. Ingavale, API, Shahupuri Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 23rd JUNE, 2022

P.C.

1. The Applicants have preferred these Applications for pre-arrest bail in connection with C.R.No.108 of 2021 registered with Shahupuri Police Station, Kolhapur, for an offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860.

2. Mr. Yuvraj Mane (the deceased), the husband of the first informant, died by suicide on 7th November, 2020 by hanging himself at Room No.13 At Hotel Impression, Mahalaxmi Chambers, Kolhapur. A four page note was found in the said room. It was recorded, inter alia, in the said note that the deceased was initiated into

the network marketing by the Applicants – Krishnath Prakash Gaud (ABA No.770 of 2021) and Mr. Kiran Deepak Kamble-Desai (ABA No.878 of 2021). The Applicants represented to the deceased that if he invested money in the network marketing, he would get huge return. Believing the representation of the Applicants, the deceased invested amount by raising money from various sources, including the sale of the ornaments of the first informant. The Applicants gave evasive answers when the deceased questioned them about not getting the return on the investment. Faced with such situation, the deceased was made to borrow money from persons who were dealing in illegal money lending business at an exorbitant rate of interest of 5% to 10% p.m.. This further deteriorated the financial position of the deceased and, thus, the deceased took the extreme step.

3. Apprehending the arrest, the Applicants preferred these Applications for anticipatory bail. By orders dated 18th March, 2021 and 25th March, 2021, the Applicants were granted interim pre-arrest bail.

4. I have heard the learned Advocates for the Applicants and the learned APP for the State, at some length. I have perused the suicide note which was allegedly recovered from the room where the deceased died by suicide.

5. The note refers to the fact that the Applicants had introduced the deceased to network marketing. The Applicants allegedly made him to invest money by making a representation that he would get good returns. However, this forms a part

of the vicious cycle of borrowing in which the deceased found himself trapped. The deceased claimed that he was compelled by the weight of financial constraints to borrow money from the persons who were dealing in illegal money lending. The said financial assistance came at a huge cost i.e. interest @ 5% to 10% p.m. To pay interest, he was compelled to borrow money from such usurious lenders.

6. In the backdrop of the aforesaid predicament, in which the deceased allegedly found himself, the aspect of existence of a prima facie case to bring the act or conduct of the Applicants within the dragnet of abetment warrants consideration, albeit prima facie. It is trite that the act attributed to the accused should be such that it had the propensity to either instigate or give intentional aid to the person who dies by suicide. There ought to be a live or proximate link between the act attributed to the accused and the death of the deceased.

7. In the case at hand, the allegations against the Applicants revolve around inducing the deceased to invest in multi level marketing business. Such a representation, however, from the perusal of the allegations in the FIR and the contents of the alleged suicide note, does not constitute the sole factor which compelled the deceased to find himself in such a helpless state. The said representation, prima facie, does not amount to instigation or intentional aid. In short, the material on record does not indicate that the allegations against the Applicants are of such incriminating tendency as to warrant their custodial interrogation for an

effective investigation.

7. I am, therefore, persuaded to confirm the orders of interim pre-arrest bail. Hence, the following order :

ORDER

(i) The order of interim pre-arrest bail dated 18th March, 2021 in ABA No.770 of 2021 stands confirmed on the terms and conditions incorporated therein.

(ii) The order of interim pre-arrest bail dated 25th March, 2021 in ABA No.878 of 2021 stands confirmed on the terms and conditions incorporated therein.

(iii) In addition, the Applicants shall regularly attend the proceedings before the jurisdictional Court.

(iv) By way abundant caution, it is clarified that the observations hereinabove are confined to the consideration of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant.

The Applications stand disposed.

(N.J.JAMADAR, J.)