

Versus

WITH

INTERIM APPLICATION NO. 1956 OF 2022

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Ms Veera Shinde, APP for the State.

API Mansing Patil Kharghar Police Station, present.

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CORAM: N.R. BORKAR, J.

DATED : 12 DECEMBER 2022

P.C. :-

This is an application under Section 438 of Code of Criminal Procedure.

2. The applicant is apprehending his arrest in Crime No. 43 of 2020 registered at Kharghar police station for the offences punishable under Sections 306 of the Indian Penal Code.

3. According to the prosecution the deceased had borrowed an amount of Rs. 11 lakhs from the present applicant. It is alleged that

the applicant was asking the deceased to return the said amount and was threatening him. It is further alleged that the deceased was compelled to issue two cheques for an amount of Rs. 5 lakhs and Rs. 10 lakhs in favour of the applicant. It is alleged due to threat and harassment caused by the applicant on 31 January 2022, the deceased committed suicide by consuming poison.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and the learned counsel for the intervener.

5. The learned counsel for the applicant submits that there was no financial transaction between the deceased and the present applicant. It is submitted that the alleged financial transaction was with the son of the present applicant. It is further submitted that cheques were also issued in favour of son of the present applicant. It is submitted that thus there arises no question of applicant threatening or harassing the deceased.

6. On the other hand the learned APP for the respondent-State and the learned counsel for the intervener submit that the present applicant was harassing the deceased for return of amount of Rs. 11 lakhs. It is submitted that considering the nature of offence the applicant may not be released on anticipatory bail. It is, however, not

disputed that the cheques were issued in favour of son of the present applicant.

7. The learned counsel for the applicant submits that the applicant is ready to hand over the said cheques to the Investigation Officer. If the alleged financial transaction was with the son of the present applicant, then prima facie there appears to be no reason for the present applicant to threaten the deceased. Considering the facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) In the event of arrest of the present applicant in Crime No. 43 of 2020 registered at Kharghar police station for the offences punishable under Sections 306 of the Indian Penal Code, he shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station from 20 December 2022 to 22 December 2022 and shall co-operate in the investigation.

8. Interim Application for intervention does not survive and the same is disposed of.

(N.R. BORKAR, J.)