

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

ANTICIPATORY BAIL APPLICATION NO. 987 OF 2022

Mr. Rajesh Shamjibhai Nanda	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Niranjan Mundargi i/b. Mr. Rishikesh Mohite for the Applicant.
Mr. S.H. Yadav, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th APRIL, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant for pre-arrest bail in C.R.No.115/2022 registered with Manikpur Police Station for offences punishable under sections 306 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Mundargi, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First

Information Report (FIR) lodged by Ganeshsingh Parmar, the brother of the deceased – Kisansingh Parmar who had committed suicide on 23/03/2022. The complainant had alleged that on 23/03/2022, at about 09:45 a.m., he had received a call from the deceased – Kisansingh and that he had told him that the Applicant and Shashi Mhatre had not paid the money which they were liable to pay in view of the land transaction with him. He has stated that several other borrowers were harassing him. On the same date, Kisansingh committed suicide and he accused the Applicant and Shashi Mhatre in the suicide note. In the said suicide note, he mentioned that he had entered into a land dealing with the Applicant and Shashi Mhatre in respect of the land at Virar and that he was to get cash of Rs.1,75,00,000/- from the Applicant and Shashi Mhatre. He has stated that since he has not received money and other borrowers were threatening him, he was committing suicide. Apart from the said suicide note, there is no prima facie material to indicate that the deceased had any land dealing with the Applicant. Even assuming that the Applicant has not paid the money to the deceased, non payment of the money per se would not amount to abetment under section 107 of the Indian Penal Code.

4. The FIR prima facie does not disclose essential ingredients of offence under section 306 of IPC. Hence, this would not be a case which would justify custodial interrogation. Under the circumstances, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.115/2022 registered with Manikpur Police Station, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days from 18/04/2022 between 11:00 a.m. to 02:00 p.m.

(b) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time ;

5. The Application stands disposed of.

PREETI
H JAYANI

Digitally signed by
PREETI H JAYANI
Date: 2022.04.13
20:20:41 +0530

(SMT. ANUJA PRABHUDESSAI, J.)