

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

ANTICIPATORY BAIL APPLICATION NO.2425 OF 2021

Mr. Suhas Govind Nanaware

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Jaydeep Daundkar i/by Shankar S. Deshmukh, for the Applicant.

Mr. N. B. Patil, APP for the Respondent/State.

CORAM : NITIN W. SAMBRE, J.

DATE : 12th SEPTEMBER, 2022

P.C.

1. Applicant is seeking pre-arrest bail in Crime No. 797 of 2021 for the offence punishable under Sections 306, 504, 506 of IPC registered with Kondwa Police Station, Pune.

2. The prosecution case against the applicant is, deceased Sachin and applicant were friends. Sachin committed suicide on 5th August, 2020. While checking whats-app messages on the mobile phone of the deceased, complainant - Kamini, widow of the deceased Sachin, noticed certain messages on whats-app, wherein the applicant has demanded recovery of hand-loan from

deceased and has also issued threats. Based on the same, she has lodged complaint on 14th September, 2021 i.e. almost after a period of one year after the incident.

3. Learned APP has opposed the prayer for grant of pre-arrest bail on the ground that the applicant's custodial interrogation is required so as to find out source of money which was given as hand-loan to the deceased.

4. Having appreciated the said submissions, what can be noticed is the fact about the deceased having taken hand-loan from the applicant was well within her knowledge. There is no convincing explanation coming forth for lodging complaint after an unexplained delay of more than one year of the incident.

5. Apart from above, what can be noticed is once the complainant admitted about the receipt of hand-loan from the applicant, the applicant has every right to request for refund of such hand-loan. As such, such act of the applicant cannot be termed to be one which has prompted the deceased to commit suicide. Rather the act of the applicant in demanding return of the hand-loan will result in causing deceased committing suicide cannot be inferred to be within the knowledge of the applicant.

6. That being so, the ad-interim relief stands confirmed.
7. In the event of arrest, applicant is directed to be released on bail on furnishing PR bond of Rs.15,000/- with one or more sureties in the like amount.
8. The applicant shall attend Investigating Officer on 10th October, 2022, 12th October, 2022, 14th October, 2022 and 17th October, 2022 and thereafter as and when directed by the Investigating officer.
9. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.
10. The application as such stands disposed of.

[NITIN W. SAMBRE, J.]