

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2521 OF 2022

Khushal Govinda Jadhav ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Niranjana Mundargi i/b. Mr. Omneel A. Jadhav for Applicant.
Ms. P. N. Dabholkar, APP for Respondent-State.

CORAM : NITIN W. SAMBRE, J.
DATE : SEPTEMBER 14, 2022

P.C. :

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.318 of 2022 registered with Satana Police Station, Nashik (Rural) for the offences punishable under Sections 306 r/w. 34 of the IPC.

3. According to Mr. Mundargi, learned counsel for the applicant before *prima facie* forming an opinion about the involvement of the applicant in the offence punishable under Section 306 IPC, the Court is required to examine the facts and circumstances of the case so also look into the evidence. In support of this contention, he has relied on decision of the Apex Court in the case of *Amalendu Pal @ Jhantu Vs. State of West Bengal* reported in **(2010) 1 SCC (Cri.) 896**, and more particularly paragraphs 12 and 13 thereof.

3.1. According to counsel for the applicant, it is an admitted fact on record that the deceased was liable to pay certain amount to the applicant, which he had taken as hand loan. Demanding return of amount, which is admittedly receivable by the applicant, cannot be termed to be a necessary ingredient for invoking the provisions of Section 306 IPC against the applicant. That being so, he deserves to be released on pre-arrest bail.

4. Learned APP would oppose the prayer.
5. I have appreciated the aforesaid submissions in the backdrop of the evidence that is produced on record.
6. The deceased in categorical terms named the present applicant along with other four persons who have created such a situation which has prompted him to commit suicide. A detailed suicide note primarily speaks of the suffering of the deceased at the hands of the applicant viz. recovery of amount which has prompted or driven him to commit suicide. As such, there is enough evidence to directly connect the present applicant in the crime in question so as to primarily hold him responsible for the act of the deceased committing suicide. In this background, reliance placed on the judgment of the Apex Court in the matter of **Amalendu Pal @ Jhantu** (*supra*) will be hardly of any assistance.
7. That being so, no case for grant of bail is made out. Application fails and the same is rejected.

(NITIN W. SAMBRE, J.)

Minal Parab