

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

ANTICIPATORY BAIL APPLICATION NO. 2752 OF 2022

Mrs. Vaishali Sachin Palande & Anr.

..Applicants

vs.

The State of Maharashtra.

..Respondent

Mr. Pradyumna Waghmare for the applicants.

Mr. A.R. Kapadnis, APP for the State.

CORAM : N. R. BORKAR J.

DATE : 18th OCTOBER, 2022.

PC.:

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 119 of 2022 registered at Khandeshwar Police Station for the offences punishable under Sections 306, 506 r/w. 34 of Indian Penal Code.

3. It is the case of the prosecution that Muskaan Group (Mahila Bachat Gat) had borrowed a loan of Rs. 3 Lakhs from The Greater Bombay Co-operative Bank Ltd., Kharghar Branch, Navi Mumbai. The daughter-in-law of the deceased was the member of the said Muskaan Group. Applicant no.1 is the Bank Officer and applicant no.2 is the Branch Manager of the said bank. According to the prosecution, the said Muskaan Group defaulted in repayment of the loan amount. It is alleged that on 18 April, 2022 at about 03.30 p.m., the present applicants came to the house of the deceased and threatened them of dire consequence if the

loan amount is not returned. According to the prosecution, due to threat and humiliation, the deceased committed suicide by hanging himself.

4. I have heard the learned Counsel for the applicants and the learned APP for the State.

5. The learned counsel for the applicants submits that the applicants are the bank officers. Even if, the allegations leveled against them are accepted it would not constitute the offence punishable under Section 306 of the Indian Penal Code. It is submitted that nothing is to be recovered from the applicants and therefore, their custodial interrogation is not necessary. It is prayed that both the applicants be granted anticipatory bail.

6. On the other hand, the learned APP submits that the deceased and his family members were threatened of dire consequences. Due to the said threat the deceased committed suicide. It is submitted that considering the nature of the offences, the applicants may not be granted anticipatory bail.

7. Prima facie there is a merit in the submission of the learned counsel for the applicants that even if the prosecution case is accepted as it is, it would not constitute the offence punishable under Section 306 of the Indian Penal Code. Nothing is to be recovered from the applicants and therefore their custodial interrogation is not necessary. Considering these facts, I am inclined to grant anticipatory bail to them. Hence, the following order:

ORDER

- i) Application is allowed.
- ii) In the event of arrest of applicants in connection with Crime No.119 of 2022 registered at Khandeshwar Police Station for the offences punishable under Sections 306, 506 r/w. 34 of Indian Penal Code, they shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each, with one or two sureties in the like amount.
- (iii) The applicants shall attend the concerned police station from 27th October, 2022 to 29th October, 2022 between 11.00 a.m. to 02.00 p.m. and thereafter as and when called by the Investigating Officer, and shall co-operate in the investigation.

(N. R. BORKAR, J.)