

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

CRIMINAL BAIL APPLICATION NO. 2807 OF 2022

Girish Vinayak Pandharkar ...Applicant
Versus
State Of Maharashtra ...Respondent

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Mr. Ashok P. Mundargi, Sr. Advocate i/by Mr. Rajesh A. More, Advocate
for the Applicant.

Ms. P. N. Dabholkar, APP for the Respondent – State.

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CORAM : **PRAKASH D. NAIK, J.**
DATE : **13th OCTOBER, 2022.**

PER COURT:

1. This is an application for bail for offence under Section 439 of Code of Criminal Procedure in First Information Report (for short 'FIR') No.165 of 2022 registered with Faraskhana Police Station, Dist. Pune for offences punishable under Sections 306 r/w Section 34 of Indian Penal Code (for short "IPC") and Sections 44, 45 & 46 of Maharashtra Money Lending (Regulation) Act, 2014.

2. The complaint is lodged by the wife of the deceased. It is alleged that the deceased was working as Special Auditor in the Cooperative Department. He took hand loan from some of the accused. The said persons were demanding the amount from deceased. He was harassed causing physical and mental torture.

The applicant had allegedly promised that he would arrange the loan amount of Rs.1 Crore for which the deceased had parted amount to him. However, loan could not be arranged. After the applicant/accused had disclosed to the deceased that the loan could not be arranged, he committed suicide. On account of harassment caused by all the accused, the victim was required to take step to end his life.

3. Learned Senior Advocate Mr. Mundargi submitted that, taking the allegations as it is, the offence under Section 306 of IPC is not made out. The applicant is in custody from the date of arrest. Initially he was remanded to police custody and presently he is in judicial custody. Further custodial interrogation of the applicant is not necessary. The grievance was made against several persons, who had parted loan to the deceased and the applicant had alleged promised that he would arrange amount of Rs.1 Crore by way of loan.

4. Learned APP submitted that, before the deceased took step of committing suicide, he has written detailed note stating that, the harassment was caused to him by several persons, who are named therein. On account of harassment, physical and mental torture meted out to the victim, he was compelled to commit suicide.

Thus, the applicant has abetted the victim to commit suicide. The offence under Section 306 of IPC is made out. The note written by the deceased was found in the house and it was handed over by the wife of deceased. Investigation is in progress.

5. From the tenor of the FIR it is apparent that, on account of financial constraints, the victim had borrowed loan from various persons. Apparently, they were demanding the same. The role attributed to applicant is that he had promised that he would arrange One Crore towards loan. Since the investigation is in progress, it would not be appropriate to give any finding about the offences invoked however, prima facie it is debatable whether that Section 306 is made out against the accused. The applicant is not a moneylender and there is no money lending transaction. Hence, invocation of Sections 44, 45 & 46 of the Maharashtra Money Lending (Regulation) Act against the applicant prima facie appears to be misplaced. Presently the applicant is in judicial custody. Further detention of the applicant is not called for, hence, case for grant of bail is made out.

6. Hence, I pass the following order:

ORDER

- i. Criminal Bail Application No. 2807 of 2022 is allowed;

- ii. The applicant is directed to be released on bail in connection with FIR No.165 of 2022 registered with Faraskhana Police Station, Dist. Pune on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety;
- iv. The applicant shall report investigating officer as and when called for till further orders;
- v. Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)