

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2809 OF 2022

Bhagyawan Dnyandeo Nikam	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Tapan Thatte a/w Mr. Siddhant Deshpande, Advocate for the Applicant.

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

Mr. H. B. Khopade, API Samarth Police Station, Pune City, present.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	12th October, 2022.

PER COURT:

1. This is an application for Anticipatory Bail in C.R. No.164 of 2022 registered with Samarth Police Station, Pune City for offence punishable under Section 306 of Indian Penal Code, 1860.

2. The applicant is working as Assistant Inspector at Samarth Police Station, Pune. The case of the prosecution is that, the deceased was the guarantor for the loan obtained by one Kiran Bhatlavande who committed default in repayment of loan. Apparently execution warrant was issued against the guarantor which was to be executed against him. It is alleged the police were visiting the house of the deceased and demanding money on some occasions the amount of Rs.1,000/- or 2,000/-. Around Rs.9,000/- were parted to police. On account of the

harassment, the victim had allegedly committed suicide on 12th September, 2022. The First Information Report was lodged by daughter of the deceased.

3. Learned Advocate for the applicant submitted that, the applicant has been falsely implicated in this case. There is no cogent evidence to establish that, the applicant has abetted suicide. The deceased had allegedly written suicide note, stating that on account of harassment by Kiran Bhatlavande he is committing suicide. The co-applicant has stated that, the suicide note is in the handwriting of deceased.

4. Learned APP submitted that, the offences is of serious nature. The duty of the applicant and the other officers was to execute civil warrant. The statement of relatives of the deceased, Harshad Sarmahale mentions that, the money was demanded by the accused. The statements of witnesses recorded during investigation mentions that, the applicant and co-accused used to visit residence of victim and cause harassment to him. The victim was mentally disturbed and committed suicide. The deceased had sent complaint to Commissioner of Police about harassment caused to him.

5. Suicide note was found in the house, which is in the handwriting of the deceased. In the said note, the cause of committing suicide is

attributed to Kiran Bhatlavande who had borrowed the loan. During the course of investigation, some statements are recorded which are contrary to suicide note. The witness who has stated that, the demand of money was made by the accused are the relatives of the deceased. Most of the other witnesses are also related to the deceased. I have perused the complaint forwarded to the Commissioner of Police by the deceased prior to the incident of suicide. The complaint indicates that he was aggrieved by the conduct of Kiran Bhatlavande. The complaint makes reference of Police visiting his house on account of non payment of loan by Kiran Bhatlavande. It is not specified that, Police are demanding money or causing under harrasment to him. The applicant is working in Police Department. Arrest without cause would jeopardize his employment. Considering these circumstances, the custodial interrogation of the applicant is not necessary.

ORDER

(i) Criminal Anticipatory Bail Application No. 2809 of 2022 is allowed.

(ii) In the event of arrest of the applicant in connection with C.R. No.164 of 2022 registered with Samarth Police Station, Pune City the applicant be

released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall report Investigating Officer on 18th, 19th and 20th October, 2022 between 11:00 a.m. to 1:00 p.m. and there after as and when called for.

(iv) The applicant shall not tamper with the evidence.

(v) Criminal Anticipatory Bail Application disposed off.

(PRAKASH D. NAIK, J.)