

Versus

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Ms. M.M. Deshmukh, APP for the State.

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DATED : 18 NOVEMBER 2022

P.C. :-

3. It is the case of prosecution that the deceased was doing the business of supply of building material. According to the prosecution, the deceased had supplied building material to the applicant and co-accused on credit. According to the prosecution, the deceased was repeatedly asking the present applicant and other co-accused to pay the amount which

according to the prosecution was few lacs. It is alleged that applicant and co-accused avoided to pay the said amount on one pretext or other and thereby they caused mental harassment to him. It is alleged that due to said harassment the deceased was compelled to commit suicide.

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

5. The learned Counsel for the applicant submits that there is a delay in lodging FIR. It is submitted that even if the prosecution case is accepted as it is, it would not attract Section 306 of IPC. It is further submitted that nothing is to be recovered at the instance of the present applicant and therefore, his custodial interrogation is not necessary. It is thus submitted that the applicant may be released on anticipatory bail.

6. The learned APP for the State submits that after the death of the deceased one video clip was found in the mobile phone of the deceased. It is submitted that in the said video clip the deceased had stated how he was harassed by the applicant and other co-accused. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the FIR. The contents of video clip are reproduced in the FIR. There appears to be some commercial transaction between the deceased and the applicant. The allegations are of non-payment of money. Prima facie, even if the case of the prosecution is

accepted as it is, Section 306 may not attract. Considering these facts and as nothing is to be recovered at the instance of the present applicant, I am inclined to grant anticipatory bail to the applicant. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) In the event of arrest, the applicant - Wasim Moinuddin Khan in Crime No. 607 of 2022 registered at Panvel City Police Station, for the offence punishable under Sections 306 r/w. 34 of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station from 24th November 2022 to 28th November 2022 between 11.00 a.m. to 2.00 p.m. and shall co-operate in the investigation.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
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