

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3394 OF 2022

Sajan Chandrahas Patil ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Aniket U. Nikam a/w Mr. Piyush Tashnival a/w Mr. Aashish Satpute
i/b Mr. Amit Icham, for the Applicant.

Mr. P.H. Gaikwad, APP, for the Respondent/State.

Mr/ Ruhidas Ratan Bhor, PSI, Wadkhal Police Station, District Raigad,
present.

CORAM : N.R. BORKAR, J.
DATE : 06.12.2022.

PC. :

1. This is an application under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 245 of 2022 registered at Wadkhal Police Station, for the offences punishable under Sections 306, 323, 504, 506 read with 34 of the Indian Penal Code.

3. According to the prosecution, six months prior to the incident, which took place on 17/11/2022, the deceased had borrowed Rs. 50,000/- from the present applicant and other co-accused. It is alleged that the present applicant and other co-accused were harassing

the deceased for return of the said amount and even assaulted him on 12/11/2022. It is further alleged that the present applicant and other co-accused were asking the deceased to execute bond that he would return their amount. It is alleged that even mobile phone of the deceased was taken away by the co-accused Mayur Dhande. It is alleged that due to the constant harassment by present applicant and other co-accused, on 17/11/2022 the deceased committed suicide by hanging himself.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned APP for the respondent/State submits that there is a material to show that the applicant and other co-accused were asking the deceased to return their amount of Rs. 50,000/- with interest. It is submitted that as the deceased was not able to return their amount, he was assaulted on 12/11/2022 and there are independent witnesses, who had seen the said incident. The learned APP submits that considering the nature of offence, the applicant may not be released on anticipatory bail.

6. Admittedly there is a suicide note. I have perused the said suicide note. In the suicide note the deceased had mentioned the name of co-accused Mayur Dhande only. Admittedly the present applicant was known to the deceased. However, the name of the

present applicant is not there in the suicide note. Nothing is to be recovered at the instance of present applicant and therefore, his custodial interrogation is not necessary. Considering the facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed:

ORDER

- A] The Application is allowed.
- B] In the event of arrest of applicant in C.R. No. 245 of 2022 registered at Wadkhal Police Station, for the offences punishable under Sections 306, 323, 504, 506 read with 34 of the Indian Penal Code, he shall be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C] The applicant shall attend the concern Police Station from 12/12/2022 to 14/12/2022, between 11.00 a.m. to 2.00 p.m. and thereafter as and when called and shall co-operate in the investigation.

[N.R.BORKAR, J.]