

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.461 OF 2022

(SHUBHAM GANESH LEKURWALE....VS.. STATE OF MAH. THR. PSO PS AMDAPUR, DIST.
BULDANA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V.Sirpurkar, Advocate for Applicant.
Ms M.A.Barabde, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : JUNE 09, 2022.

1. Heard.
2. The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.163 of 2022, registered with Police Station, Amdapur, District : Buldana for the offence punishable under Section 306 of the Indian Penal Code.
3. The allegations in the First Information Report (FIR) are that there was a continuous demand of money to the complainant by the applicant, which he has received as a loan from the applicant and due to such continuous demand the complainant and his wife consumed Rat Poison. However, in the said attempt to commit suicide, the complainant survived and his wife died. Thereupon, the offence came to be registered.
4. The learned counsel for the applicant submits that there are no allegations that the applicant made any demand to the deceased wife of the complainant. He

further submits that the demand of loan amount does not constitute harassment and because of such demand if somebody commits suicide, the provisions of Section 306 of the Indian Penal Code will not apply. He further submits that even as per the well settled principles of law necessary ingredients are missing to attract Section 306 of the Indian Penal Code. He lastly argues that the applicant is in jail from 15/04/2022 i.e. for about one month and no further custody of the applicant is necessary.

5. The learned A.P.P. strongly opposed the application and submits that there was constant demand of money and harassment by the applicant to the complainant because of which the complainant and his wife decided to commit suicide. It is the case of the complainant that even though the loan amount was paid, the applicant was demanding further amount from the complainant. She further points out that statements of the relatives have been recorded by the Investigating Officer during investigation which corroborates the story of the prosecution, therefore, she prays for rejection of the application.

6. After going through the contents of the FIR, it can be seen that the alleged demand was to the complainant. There is nothing to show that the applicant made any demand to the wife of the complainant who has committed suicide. The applicant is in jail from last one month.

7. In the circumstances, I pass the following order:

- i) The application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No.163 of 2022, registered with Police Station, Amdapur, District : Buldana on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.
- iii) The applicant shall not tamper with the prosecution evidence.
- iv) The applicant shall not leave the jurisdiction of the concerned Police Station without prior permission.

The Criminal Application is **disposed of** in the above terms.

JUDGE

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