

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

Criminal Application (ABA) No.669 of 2021

Anup S/o Niranjan Dodiya

Versus

State of Maharashtra, through P.S.O., Police Station Badnera,
Tq. Amravati, Distt. Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Anil Mardikar, Senior Advocate a/b Shri M.M. Gupta, Advocate
for applicant.

Ms T.H. Udeshi, A.P.P. for non-applicant/State

CORAM : ANIL S. KILOR, J.
DATED : 28 FEBRUARY 2022

On the allegation that the deceased Bhagyesh Bhandare has committed suicide because of constant harassment at the hands of the applicant on the count of money, a complaint was lodged by his brother Mangesh Khandare, which was registered as Crime No.566 of 2018 with police Station Badnera, Amravati City against the applicant for the offence punishable under Section 306 of the Indian Penal Code.

2. Shri Anil Mardikar, learned Senior Advocate submits that the deceased on earlier occasion had made a complaint to the Sub Registrar, Co-operative Society, Akola against the applicant alleging that the applicant was a

moneylender. While passing the order on 11/01/2016, the Sub Registrar has categorically observed that no evidence was produced to show that the applicant is the moneylender. It is submitted that the said order has attained finality, in absence of challenge raised to the same.

3. It is further pointed out that similar complaint on money lending and harassment was made by the deceased on 25/06/2018 with the police, which was later on registered as NC. It is, therefore, submits that the above referred facts show that the applicant was falsely implicated in the alleged offence.

4. Learned APP strongly opposed the application and submits that while granting anticipatory bail to the applicant on 06/10/2021, he was directed to attend police station which he has attended, however, he is not co-operating the police in investigation. It is submitted that there is constant harassment at the hands of the applicant and though the deceased had paid back the amount of hand loan taken from the applicant, there was continuous demand of more amount from the deceased by the applicant. It is submitted that the cheques given by the deceased were deposited in the account of the firm, owned by the applicant, which sufficiently shows the involvement of the applicant in the alleged offence.

5. On perusal of the case diary and also the contents of the First Information Report, it is revealed that earlier also similar allegations were made against the applicant by filing proceedings before the Sub Registrar and by lodging a

complaint to the police. For want of sufficient evidence, the Sub Registrar rejected the application of the deceased and police had registered NC. In that view of the matter, *prima facie*, I do not find any material attracting the offence punishable under Section 306 of the Indian Penal Code.

6. In the circumstances, ad-interim anticipatory bail granted by this Court vide order dated 06/10/2021 is hereby confirmed.

The applicant shall attend the concerned police station as and when his presence is required.

[ANIL S. KILOR, J.]

R.S.Sahare