

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

CRIMINAL APPLICATION (ABA) NO.758 OF 2022

(DHANRAJ SHRIRAMJI AJMIRE...VS.. STATE OF MAH. THR. PSO PS WARUD, DISTT. AMRAVATI)

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.
Shri V.A.Thakare, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : NOVEMBER 21, 2022.

1. Heard.

2. By this application under Section 438 of the Code of Criminal Procedure the applicant is seeking pre-arrest bail in Crime No.644 of 2022, registered with Police Station, Warud, District : Amravati for the offence punishable under Section 306 of the Indian Penal Code, 1860.

3. The reason for commission of suicide by the deceased is that there was continuous demand to return back the loan amount advanced by the applicant. This Court in the case of *Rohit Nawanath Nalawade ..vs..State of Maharashtra and another*, in Criminal Application (APL) No. 1052 of 2018 on 17/12/2020, has held that asking for repayment of loan amount from a defaulter cannot be termed as 'abetment' and therefore, do not attract the provisions of Section 306 of the Indian Penal Code.

4. In the circumstances, I am of the opinion that custodial interrogation of this applicant is not necessary in this case. Accordingly, I pass the following order:

- i) The application is **allowed**.
- ii) The order dated 25/10/2022, granting ad-interim bail to the applicant is confirmed.
- iii) The applicant shall attend the concerned Police Station as and when his presence is required.

The Criminal Application is **disposed of** accordingly.

JUDGE

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