

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**BAIL APPLICATION NO.189 OF 2023
WITH APPLN/858/2023 IN BA/189/2023**

**BHAGWAT YASHWANT CHAVAN
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Salunke Sudarshan J
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Complainant/Assist to P.P : Mr. K.P. Rodge

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CORAM : S.G. MEHARE, J.

DATED : MARCH 16, 2023

PER COURT:-

1. Heard the learned counsels for the applicant, APP for the State and the complainant.
2. The prosecution has a case that under the promise of getting loan to the deceased, the applicant extracted Rs.68 lacs from him. He also forged the document under the name of RBI. However, he did not get the loan. The applicant cheated the deceased. He could not tolerate the shock; hence, he committed suicide leaving suicide note. After his arrest, two cars worth Rs.27 lacs have been recovered. The applicant is in jail.
3. Learned counsel for the applicant would argue that by no stretch of imagination, the offence under Section 306 of the Indian Penal Code is made out. The deceased was in heavy debt to many

people. He did over trading in his construction business. The applicant never cheated him nor forged the document as alleged. Nothing remained to be recovered from the applicant. Hence, he may be granted bail.

4. Learned APP and learned counsel for the complainant vehemently opposed the application. They would argue that the applicant has a habit to dupe the people. During the course of investigation, one another person came forward, whom he has duped for Rs.12 lacs. However, he has returned him Rs.5 lacs and Rs.7 lacs are to be recovered. The applicant had abetted the deceased to commit suicide. He has systematically duped the deceased under the false promise to get the loan. Forging the document in the name of RBI is a serious offence. Due to the acts of the applicant, the family of the deceased came on the road. The remaining amount is yet to be recovered. Considering the gravity of the offence, he may not be granted bail.

5. In reply, learned counsel for the applicant would submit that to ensure the bonafide, the applicant is ready to deposit Rs.25 lacs within two weeks subject to the judgment of the trial.

6. Perused the papers. The allegations reveals that the deceased and applicant had money transactions. The applicant did not performed his role getting the loan for the deceased, nor he returned the amount received from the deceased. Whether such an

act of abetment to commit suicide, is a matter of trial. The property worth Rs.27 lacs has already been seized. It may be disposed of according to the law. The material investigation has been completed. The applicant is having roots in Aurangabad. He has also business there. He has given bonafide offer. In the facts and circumstances of the case, the detention of the applicant would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Bhagwat Yashwant Chavan, be released on bail on executing P.B. and S.B. of Rs.1,00,000/- (Rupees One Lac) with one or two solvent sureties of Rs.50,000/- each in the like amount in connection with Crime No.245 of 2022, registered with Jawaharnagar Police Station, District Aurangabad for the offence punishable under Section 306, 420, 465, 467, 468, 471 and 474 of the Indian Penal Code, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall deposit Rs.25 lacs within two weeks from today with the trial Court with a right to the complainant to withdraw the said amount on furnishing undertaking to redeposit the amount in the trial Court, subject to the decision taken by the trial Court.
- (iv) If he would not comply with this condition, the bail would automatically stand cancelled.

(4)

- (v) The applicant shall attend the trial on each effective date.
- (vi) The applicant shall not involve in similar offence.
- (vii) Criminal Application No.858 of 2023 stands disposed of.

(S.G. MEHARE, J.)