

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

APPLICATION FOR CANCELLATION OF BAIL NO.36 OF 2023

Pandurang s/o Ashokrao Balwad ... **APPLICANTS**

VERSUS

The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mr. V.M. Venjane, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondent No.1.
Mr. S.S. Gangakhedkar, Advocate for respondents No.2 to 6
.....

CORAM : R.G. AVACHAT, J.

DATE : 3rd APRIL, 2023

PER COURT :

Heard. The respondents have been granted anticipatory bail in connection with Crime No.274/2022, registered with Latur Gramin Police Station for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. The applicant herein is the informant in the said crime. He is the brother of the deceased. The deceased was serving as a Peon in Bhagyalaxmi bank. The applicants herein are the employees of the said Bank. The deceased committed

suicide on the midnight of 28/12/2022. He left behind a suicide note which was found on his person. A copy of the suicide note is made available for perusal of this Court. It has been averred in the suicide note that the respondents had harassed the deceased and, therefore, he decided to end his life. It is also the case of the deceased that the respondents No.2 to 6 falsely charged him of committed a theft.

3. Learned counsel for the applicant would submit that, the Bank funds have been misappropriated, might be by the respondents herein. The respondents were trying to put blame of the said misappropriation on the deceased. This crime needs to be investigated thoroughly. Custodial interrogation of the respondents No.2 to 6 is, therefore, warranted. The learned Additional Sessions Judge did not assign any reason while granting the respondents No.2 to 6 anticipatory bail.

4. It is true that, the informant has a right to appear to redress his grievance from the day one of the registration of the crime. The learned A.P.P. informs to have received a communication from the Bank Manager that no incident of misappropriation or defalcation of Bank funds did take place in the Bank. It has further been informed that, the respondent No.3 Virendra Polawar had advanced the deceased a sum of

Rs.2 Lakhs as a hand loan just two and half months before the incident. The said amount was transferred in his Bank Account. Even if we take the allegations in the suicide note to be correct, it appears that, the custodial interrogation of the respondents No.2 to 6 is not warranted. It cannot be observed that, the respondents No.2 to 6 harassed and ill-treated the deceased with an intention to drive him to commit suicide. Though the investigation is in progress, purpose would be served if the respondents No.2 to 6 are directed to appear before the investigating officer during 12.00 noon to 1.00 p.m. on the next four Sundays and co-operate with the investigation.

5. With this, the application is disposed of by directing the the respondents No.2 to 6 to appear before the investigating officer during 12.00 noon to 1.00 p.m. on the next four Sundays and co-operate with the investigation.

6. The observations made in this order are prima facie in nature and the trial Court shall not be influenced thereby.

(R.G. AVACHAT, J.)

fmp/-