

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

ANTICIPATORY BAIL APPLICATION NO.835 OF 2023

**SANDIP ASHOK JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. A. S. More, Advocate for the applicant
Mr. G. O. Wattamwar, APP for the respondent/State

**CORAM : R. M. JOSHI, J.
DATE : 25th JULY, 2023**

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 64 of 2023 registered with Tamalwadi Police Station, Tal. Tuljapur, Dist. Osmanabad for the offences punishable under Section 306 r/w 34 of IPC and Sections 39 and 45 of Maharashtra Money Lending Act.

2. The informant is the wife of deceased Balaji who committed suicide on 06th May, 2023. It is a contention of the informant that deceased had borrowed money from the present applicant and other co-accused. It is further alleged that they used to abuse and threaten him for the repayment of the same. According to her on being fed up with the said threats her husband committed suicide.

3. Learned counsel for the applicant states that though there are allegations made against the applicant that he is money lender, there is nothing on record to indicate so. It is further submitted that even if the

statements in the first information report are accepted as it is it cannot be held that the applicant herein has aided or abetted the act of commission of suicide by deceased.

4. Learned APP opposed the application.

5. Perusal of the first information report shows that the applicant had lent certain amount to the deceased. Though there is allegation that applicant is being business of money lending, there is nothing on record to hold so. Perusal of the panchnama carried out at the residence of the applicant shows that nothing was seized from his house. Even if it is accepted that the present applicant had lent money to the deceased and ask repayment thereof, the said insistence for the repayment by itself cannot be considered as abetment for the commission of suicide. Though statements are recorded during the course of investigation about abuses and threatening given present applicant and his son, but there are no particulars as to nature abuses and threats given to the deceased. In absence of any prima facie material on record it cannot be presumed that the deceased has committed suicide being fed up by said threats. Having regard to these facts, application stands allowed in terms of interim order dated 30th May, 2023.

(R. M. JOSHI, J.)

ssp