

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

939 BAIL APPLICATION NO.943 OF 2023
WITH APPLN/2012/2023 IN BA/943/2023

1. ASHOK MOTIRAM JADHAV
2. MARUTI ASHOK JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. More Abhijit S.
APP for Respondent-State : Mr. K. S.Patil.
Advocate for Complainant to assist APP : Mr. Rakhunde P. B. -
Absent.

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CORAM : S. G. MEHARE, J.
DATE : 16.06.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State. Learned counsel for the complainant did not appear.

2. The applicant is seeking bail in Crime No.64 of 2023, registered at Tamalwadi Police Station, District Osmanabad, for the offence punishable under Section 306 read with Section 34 of the IPC and Sections 39, 45 of the Maharashtra Money Lending Act.

3. It has been alleged that the applicant is a Money Lender. He was harassing the deceased for return of money, which the

applicant had lend him. However, no house search of the applicant was taken by police to find out or support whether the applicant was involved in illegal money lending. It is an admitted fact that the deceased had raised the loan from the applicant. It may be a question for determination whether demanding the loan back amounts to abetment to commit suicide as provided under Section 107 of the IPC. That apart, nothing is to be recovered from the applicant. There are no antecedents to his discredit. In the facts and circumstances of the case, the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Nos. **1. ASHOK MOTIRAM JADHAV** and **2. MARUTI ASHOK JADHAV** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of the like amount each, in Crime No.64 of 2023, registered at Tamalwadi Police Station, District Osmanabad, for the offence punishable under Section 306 read with Section 34 of the IPC and

Sections 39, 45 of the Maharashtra Money Lending Act, on the following conditions :

- (a) The applicants shall not tamper with the prosecution witnesses.
- (b) They shall attend the Police Station as and when called on written notice by the Investigating Officer till filing charge sheet.
- (iii) Criminal application No.2012 of 2023 to assist the learned APP stands disposed of.

(S. G. MEHARE, J.)

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vmk/-