

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1340 OF 2023

Chhagan s/o Bhagwan Mandalke & another Applicants

Versus

The State of Maharashtra Respondent

Mr. D. S. Ingole, Advocate for the applicants.
Mr. S. B. Jadhav, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 6th DECEMBER, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0181/2023 registered with Jamkhed Police Station, District Ahmednagar for the offences punishable under Sections 306 read with Section 34 of Indian Penal Code and Sections 39 and 45 of Maharashtra Money Lenders Act.

2. First informant is the brother of deceased Balu. It is stated in the First Information Report that Balu had obtained loan of Rs.4,00,000/- from applicant No. 2 and Rs.50,000/- from applicant No. 1. It is claimed that though the said loan was returned, they were seeking more money from the deceased. According to the

informant, for these reasons, Balu was depressed and he committed suicide on 28th April, 2023.

3. Learned counsel for applicants submits that even if case of informant is accepted that applicants lent money to the deceased, in absence of any harassment being caused by them to deceased Balu, it cannot become an offence punishable under Section 306 of Indian Penal Code.

4. Learned APP opposed the application essentially relying upon the suicide note left behind by deceased. It is the contention of learned APP that applicants were asking for more money though deceased had returned the loan amount to them.

5. First Information Report does not show that any complaint was made by deceased against present applicants that they are causing harassment to him. Even perusal of chit left behind by deceased only says that one of the applicant had received amount of Rs.3,00,000/- against loan of Rs. 50,000/-. There is nothing in the chit to indicate that deceased was harassed for repayment of loan amount. Merely because name of one of the applicants appear in the

chit, it will not be sufficient to hold that it is a case of abetment or instigation to the deceased to commit suicide. Nothing is shown to indicate any criminal history against applicants. They are not likely to flee from justice. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb