

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1692 OF 2022

Kailas Appaji Londhe And Others ...Applicants

Versus

The State Of Maharashtra And Another ...Respondents

Mr. R.R. Karpe, Advocate for the applicants.

Mr. A.V. Deshmukh, APP for respondents.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th JANUARY, 2023

ORDER :

1. The applicants apprehend arrest in Crime No. 801/2022 registered with Parner Police Station, Ahmednagar, for offences punishable under section 306 read with 34 of the Indian Penal Code.

2. First Information is lodged by Satish Vyawahare alleging that his father was working as Secretary in Abhinav Patsanstha, Parner till 2012 and he had taken loan of Rs. 1,50,000/- from said patsanstha and their land Gut Nos. 753 and 827 were given as security for the said loan. On 04.10.2022, there was a meeting of the applicants, informant, his father,

brothers and middle man Sakharam Thube. Applicant No. 1 asked his father to pay Rs. 25,00,000/- to clear the dues. On 05.08.2022, his father committed suicide by hanging and a suicide note was found in his pocket wherein it is stated that loan of Rs. 1,50,000/- was obtained, however, bogus loan is shown in the name of father of informant and he was being threatened for repayment of loan. Therefore, he committed suicide and the applicants are responsible for the same.

3. Heard the learned advocate of the applicants and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. Prima facie, ingredients of abetment are not made out from the record. The prosecution case is based on documents which are already seized by the investigating officer. On instructions, the learned Additional Public Prosecutor states that handwriting/specimen of signature of deceased is to be sent to the handwriting expert. The investigation appears to be practically complete. Nothing is to be recovered from the applicants. Pre-trial custodial detention of the applicant is therefore not warranted in the facts of the present case.

5. The application is therefore, allowed by confirming the interim order dated 13th December, 2022.

6. Till filing of charge sheet, the applicants to attend the concerned police station as and when called by the investigating officer. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]