

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1687 OF 2022

Ajinkya Ramesh Deokar

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Mr. V.R. Dhorde, Advocate for the applicant.

Mr. A.A. Jagatkar, APP for the respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th JANUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 252/2022, registered with Vimantal Police Station, Nanded, for the offences punishable under sections 306, 504, 506 read with 34 of the Indian Penal Code.

2. It is alleged in the FIR lodged by wife of deceased Balaji that the applicant was son of landlord in whose place Balaji was earlier running a medical shop. It is alleged that the applicant along with other co-accused created a situation due to which Balaji was required to close down the medical shop. The applicant and other co-accused were harassing Balaji for money.

Accused Rajkumar Ingle had obtained loan from other co-accused. Balaji being partner of Rajkumar was forced to pay loan of Rajkumar. It is also alleged that Balaji had given cheque of Rs. 5,00,000/- to the applicant on 08.02.2019 and cash of Rs. 5,00,000/-. Accused persons were obstructing Balaji in running medical shop at new place. Due to the harassment at the hands of accused persons Balaji committed suicide.

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

4. It appears that the Balaji has committed suicide on 16.07.2022 and FIR is lodged on 20.07.2022. The investigation is almost complete and charge sheet is likely to be filed. Prima facie, no ingredients of abetment as contemplated under section 107 of IPC are made out.

5. Learned Additional Public Prosecutor strenuously opposed the application on the ground that cheques allegedly given by the deceased to the applicant are required to be recovered from the applicant. This cannot be a ground for refusing discretionary relief of anticipatory bail to the applicant.

6. The applicant was granted interim protection and directed to attend the concerned police station. The applicant has attended the concerned police station and has co-operated in the investigation. Co-accused in the present crime are already granted anticipatory bail by this Court. On the ground of parity also, applicant deserves protection.

7. In the result, application is allowed by confirming the interim protection.

8. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI, J.]