

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 536 OF 2023

Ankush Nagendra Phadtare

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Dhanbanjay D. Rananaware for the Applicant.

Mr. S.V.Gavand. APP for the State.

Mr. S.R.Raut from Natepute P.Stn, Solapur.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 16th MARCH, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No. 8 of 2023 registered with Natepute Police Station, Solapur for offences under Section 306, 420 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The records prima facie reveal that Dattatraya Maruti Shinde, father of the first informant had committed suicide during the intervening night of 03.01.2023 and 04.01.2023. It is stated that a suicide note was recovered from the pocket of the deceased, wherein he had held certain persons responsible for his death. The said suicide note

states that the Applicant and two others had induced the deceased in investing money in some company on an assurance that the said money would be doubled within 10 months. It is stated that the said Company closed down and he has lost an amount of Rs.35,00,000/-. The allegations are also made against the other co-accused stating that they had induced him to part with the money and they had not returned the said money. A perusal of the first information report reveals that the deceased was in financial doldrums, which prima facie was the cause of the suicide. There is no prima facie material on record to indicate that the Applicant had instigated the deceased to commit suicide or that he had aided, abetted or facilitated commission of suicide in any manner. Hence the material on record does not prima facie disclose essential ingredients of “abetment” within the meaning of Section 107 of IPC.

4. The Applicant was granted interim bail by this Court (Coram M.S.Karnik, J.) by order dated 01.03.2023. It is stated that the Applicant has reported to the Investigating Officer and has co-operated with investigation. Under the circumstances, in my considered view, no case is made out for custodial interrogation. Hence the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.8 of 2023 registered with Natepute Police Station, Solapur, the Applicant be

released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)