

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

ANTICIPATORY BAIL APPLICATION NO.1672 OF 2023

1. Pravin Bharat Kochare
2. Vijay Balu Dhobale
3. Sagar Balu Dhobale

...Applicants

Versus

The State of Maharashtra

...Respondent

...

Mr. Jaydeep Mane for the Applicants.

Mr. S.H. Yadav, APP for the Respondent -State.

Mr. R.V. Kamble, Police Naik, Karmala Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JUNE, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. 141 of 2023 registered with Karmala Police Station, Solapur (Rural), for the offences punishable under Sections 306, 504, 506 r/w 34 of the IPC and Sections 39, 45 and 46 of the Maharashtra Money Lending (Regulations) Act, 2014.

2. Heard Mr. Jaydeep Mane, learned counsel for the Applicants and Mr. S.H. Yadav, learned APP for the Respondent -State.

I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Azaruddin Nasir Pathan, son of the deceased. The facts narrated in the FIR reveal that the co-accused-Ankush Hande had advanced loan to the father of the First Informant. It is alleged that father of the First Informant had transferred the property in favour of wife of the co-accused-Ankush Hande, as a security for the loan. It was agreed that the property would be retransferred in favour of the father of the First Informant after repayment of loan. It is alleged that wife of the Co-accused-Ankush Hande sold the property to the Applicants herein and that the Applicants demanded possession of the property from the father of the First Informant, due to which his father was under tremendous mental pressure and he committed suicide.

4. The allegations narrated in the FIR do not prima facie indicate that the Applicants had aided, instigated or abetted commission of suicide. Hence, this is a fit case to exercise discretion under Section 438 of the Cr.P.C.

5. Under the circumstances, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in C.R. 141 of 2023 registered with Karmala Police Station, Solapur (Rural), the Applicants shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- each with one or two sureties to the like amount;

(ii) The Applicants shall report to the concerned Investigating Officer for a period of two days on 19/06/2023 and 20/06/2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the concerned Investigating Officer for the purpose of investigation;

(iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner;

(iv) The Applicants shall keep the Investigating

Officer informed of their current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)