

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3045 OF 2023

Jay Chagan Nichal	...Applicant
vs.	
The State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2825 OF 2023

Renuka Ganesh Abhivant	...Applicant
vs.	
The State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.3087 OF 2023

Najarana Fakir Shaikh	..Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Rajesh Jadhav, for the Applicant in ABA No. 3045 of 2023.
Mr. S.H. Yadav, APP, for the Respondent/State.
Ms. Manisha Devkar a/w. Mr. Shankar Katkar and Ms. Siddhi Patil,
for the Applicant in ABA Nos. 2825 and 3067 of 2023.

CORAM : N. J. JAMADAR, J.
DATE : NOVEMBER 6, 2023

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the State.
2. These applications are preferred seeking pre-arrest bail in

connection with C.R. No. 600 of 2023 registered at Akulj police station for the offences punishable under sections 306, 504 and 506 read with 34 of Indian penal Code, 1860.

3. The first informant lodged report to the effect that her husband died by suicide as he was harassed by the persons who were dealing in illegal money lending. It was, inter alia, alleged that the deceased had obtained loans from Dipak Jadhav, Moseen Sayyed and the applicants. Those persons were harassing the deceased to repay the amount along with exorbitant interest.

4. When ABA No. 2825 of 2023 was listed before this Court on 9th October, 2023 this Court was persuaded to grant interim bail recording inter alia that even after the prosecution case was taken at par the question as to whether the applicant had abetted the commission of suicide warranted consideration. Prima facie, there was no material to indicate that the applicant by direct or proximate act or omission, instigated or did intentionally aid the deceased to commit suicide.

5. Subsequently, by an order dated 31st October, 2023 the applicant in ABA No. 3045 of 2023 and by an order dated 1st November, 2023 the applicant in ABA NO. 3087 of 2023 were also granted interim bail, while directing of the applicants to join in the investigation.

6. The learned APP, on instruction, submits that the applicants have appeared before the investigating officer.

7. Prima facie, as noted in the interim order dated 9th October, 2023, the gravamen of indictment against the applicants was that the applicants and other persons who were dealing in illegal money lending business had advanced loan to the deceased and were harassing him for repayment. The allegations have been made against a number of persons who were allegedly dealing in illegal money lending. However, there does not seem to be any proximate or direct act or omission on the part of the applicants which can be construed as abetment within the meaning of section 107 of the Indian Penal Code.

8. Since the applicants have appeared before the investigating officer and cooperated with the investigation, further custodial interrogation of the applicant does not seem to be warranted for an effective investigation.

9. I am, therefore, persuaded to make the orders of interim bail absolute.

10. The learned APP submitted that the applicant Jay Nichal, has allegedly made an endeavour to influence the witnesses. The learned APP would therefore submit that stringent conditions be imposed while making the order of interim bail absolute qua the

applicant Jay Nichal.

Hence, the following order.

ORDER

1] The orders of interim bail dated 31st October, 2023 in ABA No. 3045 of 2023; dated 9th October, 2023 in ABA No. 2825 of 2023 and dated 1st November, 2023 in ABA No. 3045 of 2023 are made absolute on the terms and conditions incorporated therein.

2] The applicants shall henceforth attend Akluj police station as and when directed.

3] In addition, the applicant Jay Chagan Nichal in ABA No. 3045 of 2023 shall attend Akluj police station on the first Monday of every month in between 10 am to 12 pm for a period of six months.

4] The applicant Jay Chagan Nichal in ABA No. 3045 of 2023 shall not contact the first informant, any of her relatives or any person acquainted with the facts of the case for whatsoever reason.

5] The applicants shall regularly attend the proceedings before the jurisdictional Court.

6] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)