

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

ANTICIPATORY BAIL APPLICATION NO.218 OF 2023

Satish Maruti Rokade ..Applicant
VS.
The State of Maharashtra ..Respondent

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Adv. Dinesh Bhosale for the applicant.

Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 27, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of C.R. No.852 of 2022 registered with Pandharpur City Police Station, for the offence punishable under Sections 306 read with Section 34 of the Indian Penal Code, 1860 and under Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014.

3. My attention is invited to the order dated 19/01/2023 passed by this Court. The relevant portion of which reads thus :-

"1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of C.R. No.852 of 2022 registered with Pandharpur City Police Station, for the offence punishable under Sections 306 read with 34 of the Indian Penal Code, 1860 ("IPC" for short) and under section 39 of the Maharashtra Money Lending (Regulation) Act, 2014.

3. The complaint was lodged by the wife of the deceased on 10/12/2022. It is alleged that the deceased was in need of money. The applicant who is a Doctor by profession lent a sum of Rs.70,000/- to the deceased. Due to covid-19 pandemic, the deceased could not repay the amount. The deceased was a fruit seller. It is alleged that the applicant used to take away box of mangoes from the deceased without making any payment. The deceased had informed the complainant that since he had taken money from the applicant, he can not demand payment for the box that the applicant forcibly took away. It is alleged that due to this financial difficulty and due to consistent harassment by the applicant for the repayment of money, the deceased took the extreme step of ending his life.

4. Considering the nature of the allegations, in my opinion, whether the ingredients of section 306 of IPC are satisfied for the offence alleged against the applicant, is the subject matter of the trial. The applicant had advanced money to the deceased which repayment was demanded by him. The custodial interrogation of the applicant is not necessary. The applicant can be granted pre-arrest bail."

4. So far as the applicant is concerned, the allegation is that he advanced Rs.20,000 to the deceased. The allegation against the accused No.1 who has been granted pre-arrest bail is similar as the present applicant. The present applicant therefore can be granted pre-arrest bail.

5. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R. No.852 of 2022 registered with Pandharpur City Police Station, the applicant-Satish Maruti Rokade shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the concerned police station on 01/02/2023 and 02/02/2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called. The applicant shall co-operate with the investigation.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

6. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)