

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 299 OF 2023

Pradip B. Holkar
V/s.
State of Maharashtra

...Applicant
...Respondent.

Mr. R.K. Dhaigude for the Applicant.
Mrs. Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 31.01.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.111 of 2022 registered at Malegaon Police Station, for the offences punishable under Sections 306, 354, 354-D of the Indian Penal Code, Section 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.
3. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.
4. According to the prosecution, the deceased who was running tea stall, had borrowed certain amount from the applicant. According to the prosecution though the deceased had returned the said amount, the applicant was asking her to pay interest on

the said amount or else allow him to have sexual intercourse with her. It is alleged that the husband of the deceased, who is the complainant in the present case, had told the applicant not to harass his wife, however, according to the prosecution the applicant kept harassing the deceased. It is alleged that fed up with the said harassment the deceased committed suicide on 16 December 2022.

5. The learned counsel for the applicant submits that to constitute the offence under Section 306 of the IPC, the harassment or torture should be of such a degree that there was no option except to commit suicide. It is submitted that in the present case, there is no such material.

6. In addition to statement of the complainant, there is a statement of the daughter of the deceased to whom the deceased had disclosed about the alleged harassment. Considering the over all facts and circumstances of the case, I am not inclined to release the applicant on anticipatory bail. Accordingly, the Anticipatory Bail Application is rejected.

[N.R.BORKAR, J.]