

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

ANTICIPATORY BAIL APPLICATION NO. 756 OF 2023

Nikhil Vishwakarma

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Sr. Counsel Mr. A.P. Mundargi a/w., Vikas Kolekar, Sanjay Singh and Kailash Agavane for the Applicant.
Mr. R.M.Pethe, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 13th 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.173 of 2022 registered with M.H.B.Colony Police Station for offences under Section 306 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Mundargi, learned Sr. Counsel for the Applicant and Mr. Pethe, 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 aforesaid crime was registered pursuant to the FIR dated 29.03.2022 lodged by the wife of deceased Amol Vaithi, who had committed suicide on 7.11.2019. A perusal of the FIR prima facie reveals that the deceased who was having several credit cards had

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defaulted in making payments. She claims that the employees of the concerned banks would visit her house and demand repayment of money. The Applicant was an employee of HDFC Bank. The allegation against the Applicant is that he had visited the house of deceased in October 2019 and had demanded payment of money. She has stated that the Applicant would abuse, threaten and insult the deceased. The Complainant has stated that the deceased was under mental stress because of the treatment meted out to him by the employees of several banks, and that due to this mental stress he had committed suicide.

4. The FIR does not prima facie indicate that the Applicant had abetted, instigated or aided commission of suicide or had committed any such act to facilitate commission of suicide. The FIR does not prima facie disclose ingredients of 'abetment' within the meaning of Section 107 IPC. Considering the above facts and circumstances, in my considered view, this is not a case which would justify 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.173 of 2022 registered with M.H.B.Colony Police Station, 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) Applicant shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation and interrogation.
- (iii) Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer, and further keep the Investigating Officer intimated about the change in residential address / contact details from time to time.
- (v) Applicant shall not interfere with the complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)