

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

ANTICIPATORY BAIL APPLICATION NO. 1620 OF 2023

Rupesh Ramesh Utekar

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Ramji T. Kotali for the Applicant.

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

Mr. Rahul Londhe, Natepute Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 08th JUNE, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.08/2023 registered with Natepute Police Station, Solapur Rural for offences punishable under sections 306, 420 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and 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 records prima facie reveal that Dattatraya Maruti Shinde, the father of the first informant had committed suicide during the intervening night of 03/01/2023 and 04/01/2023. It is stated that a

suicide note was recovered from the pocket of the deceased, wherein he had held certain persons responsible for his death. The said suicide note states that the Applicant and two others had induced the deceased in investing money in some company on an assurance that the said money would be doubled within 10 months. It is stated that the said Company closed down and he has lost an amount of Rs.35,00,000/-. The allegations are also made against the other co-accused stating that they had induced him to part with the money and they had not returned the said money. A perusal of the first information report reveals that the deceased was in financial doldrums, which prima facie was the cause of the suicide. There is no prima facie material on record to indicate that the Applicant had instigated the deceased to commit suicide or that he had aided, abetted or facilitated commission of suicide in any manner. Hence, the material on record does not prima facie disclose essential ingredients of 'abetment' within the meaning of section 107 of the Indian Penal Code.

4. Under the circumstances, in my considered view, no case is made out for custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in

C.R.No.08/2023 registered with Natepute Police Station, Solapur Rural, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer on 12/06/2023 and 13/06/2023 between 11:00 a.m. to 02:00 p.m.

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)