



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3467 OF 2023**

Pratik Sunil Jadhav

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Mayuresh Ingale with Mr. Gourav Korade, for Applicant.
Smt. A.A.Takalkar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 12 DECEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.535 of 2023 registered with Talegaon Dabhade Police Station for the offences punishable under Sections 306 of the Indian Penal Code.
3. Mr Debu Khan, deceased, was the brother of the first informant. The deceased and his mother had advanced a sum of Rs.1 Lakh to the applicant for cloth business. They had also advanced money to other persons. The applicant and those borrowers allegedly did not repay the amount despite repeated demands. The cheques drawn by the two of the borrowers were dishonoured on presentment. The deceased was thus, under stress. The first informant alleges that on account of the treatment at the hands of the applicant and the co-accused, the deceased died by suicide.
4. The learned Counsel for the Applicant submitted that the applicant had,

in fact, borrowed money from the mother of the deceased. She has been dealing in the business of illegal money lending. The allegations in the FIR, even if taken at par, according to the learned Counsel for the Applicant, do not make out an offence under Section 306 of IPC. Learned Counsel further submitted that the applicant was initially granted interim bail and the applicant had appeared before the Investigating Officer on more than 10 occasions. Thus, the custodial interrogation of the applicant is not warranted.

5. Prima facie, the allegations in the FIR do not fall within the ambit of abetment under Section 107 of the IPC. Failure or even refusal to repay the amount which was allegedly borrowed from the deceased, does not prima facie amount to instigation or intentional aid to commit suicide.

6. In view of the above, I am persuaded to exercise the discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Pratik Sunil Jadhav in connection with C.R.No.535 of 2023 registered with Talegaon Dabhade Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report

to Talegaon Dabhade Police Station, as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands disposed.

(vi) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)