



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

56 ANTICIPATORY BAIL APPLICATION NO. 450 OF 2024

Shetiba Gautam Jadhav

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Swami Sandeep C

APP for Respondents: Ms. Rashmi P. Gour

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CORAM : SHIVKUMAR DIGE, J.
DATED : 22nd JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 53 of 2024 registered with Killari Police Station, district Latur, for the offences punishable under sections 306, 506 r.w. 34 of the Indian Penal Code.

2. It is the prosecution's case that the informant Urmila Dattatraya Sagar, the wife of the deceased Dattatraya Sagar, lodged the complaint contending her husband Dattatraya was doing the labour work. Deceased Dattatraya had obtained some loan from the applicant and co-accused Narayan Jadhav. It is alleged that on that count the applicant and co-accused Narayan frequently used to visit her house, demand interest on the hand loan amount, take away the interest amount and used to threaten them. It is alleged that on

22.1.2024 at about 7.00 p.m. co-accused Narayan Jadhav came to the house of the informant on motor cycle and asked her the whereabouts of Dattatraya. It is alleged that he abused the informant and family members in filthy language if Dattatraya did not report him. It is alleged that co-accused Narayan Jadhav also threatened them that he is having licence of compound interest and no one can obstruct him. When the husband of the informant returned to home at 9.45 p.m. she informed him about the incident and threats given by co-accused Narayan. In the morning of 23.1.2024, the informant found that her husband Dattatraya has committed suicide by hanging in the room. It is alleged that the applicant and co-accused were constantly demanding interest on the hand loan amount by visiting the house of the informant, hence, Dattatraya has committed suicide.

3. It is the contention of the learned counsel for the applicant that the applicant never went to the house of the informant to demand the amount from the deceased. In the F.I.R., no allegations are made against the applicant that he was present on the day of the incident or he threatened the deceased prior to the day of the incident of suicide. The allegations are against the co-accused Narayan that he had threatened the informant and her husband. Learned counsel further submitted that considering the allegations against the applicant his custodial interrogation is not required and requested to

allow the application.

4. It is the contention of the learned APP that the applicant and co-accused used to charge heavy interest on the loan amount given to the deceased and on that count they were threatening and abusing the informant. The deceased was fed up of threatening and abuses of the applicant and co-accused and on that count deceased Dattatraya has committed suicide. Learned A.P.P. further submitted that in the suicide note found with the deceased, the name of the applicant is mentioned that he was charging heavy interest on small amount. Learned A.P.P. further submitted that the neighbours of the informant, in their statements to the police, have stated that the applicant used to visit the house of the informant. There is involvement of the applicant in the said crime. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. In the F.I.R. the allegations against the applicant are that the husband of the informant would take amount from the applicant and co-accused on interest and the applicant and co-accused on and off used to visit the informant's house and took away the interest amount from the husband of the

informant and if the interest amount is not paid, they were threatening the deceased. It is alleged that the dates of incident are mentioned as 22.1.2024 and 23.1.2024. In the F.I.R. it is mentioned that on 22.1.2024 co-accused Narayan had visited the house of the informant and he abused the informant and her family members and on the next day, deceased has committed suicide. In the F.I.R. it is not mentioned that on the said date the applicant had been to the house of the informant. In the suicide note found with the deceased, the name of the co-accused Narayan is mentioned that he had threatened the informant. Considering the allegations against the applicant his the custodial interrogation is not required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 19.03.2024 stands confirmed on the same terms and conditions with following modification:-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)