



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**973 ANTICIPATORY BAIL APPLICATION NO. 971 OF 2024**

Feroj s/O Mahamad Sayed

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicant : Mr. Gaikwad Anil M.  
APP for Respondent/State: Ms.R.P. Gaur

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 28<sup>th</sup> June, 2024.

**P.C.:**

1. The applicant apprehends arrest in connection with FIR No.163 of 2024 registered with Mukhed Police Station, Dist. Nanded, for the offences punishable under sections 306, 385, 387 read with 34 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that on 24<sup>th</sup> May, 2024, at about 12.58 p.m., the informant – Assistant Police Inspector Chavan received information about hanging of Shaikh Sattar Amiroddin, resident of Trimurti Complex, Mukhed. Thereafter, after taking entry in station diary, he along with other staff went to the spot of incident. He saw the deceased was in hanging condition to ceiling fan. He took the body of the deceased on floor and drew spot and inquest panchanama. During the inquest panchanama, the suicide note was recovered from the shirt pocket of the deceased. One mobile phone having video clips was also

seized from the spot of incident. It is alleged that the suicide note discloses that the deceased committed suicide as the applicant came to his shop with ruffians and threatened him to kill for not repaying money. The note further shows recording of videos. In the suicide note, it is mentioned that the applicant is the only cause of suicide of deceased and some wording is reiterated in the video clips of the deceased. In the F.I.R., it is alleged that as the applicant was threatening continuously to the deceased and he was threatening him that he will kill him, on that ground, the deceased has committed suicide. On the report of the police officer, offences under the abovereferred sections is registered against the applicant.

3. It is contention of the learned counsel for the applicant that the applicant had given Rs.10,00,000/- to the deceased. The applicant was asking for repayment of the said amount, and demanding the loan amount can not be considered as threat and it can not be considered as a ground for suicide so the applicant can not be held responsible for the act of the deceased. The learned counsel further submitted that to make out offence under section 306 of the IPC the *mens rea* is required, as the applicant was demanding his repayment of amount and he was not aware that deceased would commit suicide by his demand. Considering the nature of the allegations against the applicant, the custodial interrogation of the applicant is not required and requested to allow the application. The learned counsel for the

applicant is relying on ***State of West Bengal Vs. Indrajit Kundu and others*** reported in ***AIR 2019 S.C. 5164, Mohit Singhal and another Vs. The State of Uttarakhand and others in Criminal Appeal No.3578 of 2023 decided on 1<sup>st</sup> December, 2023, Smt.Mangala Gowri Vs. State of Karnataka in Criminal Appeal No.276 of 2023 decided on 7<sup>th</sup> September, 2023 and Arnab Manoranjan Goswami Vs. The State of Maharashtra and others in Criminal Appeal No.742 of 2020 decided on 27<sup>th</sup> November, 2020.***

4. It is contention of the learned APP that in the suicide note found with the deceased, he has stated that only cause of his suicide is applicant. In the suicide note and videos, the deceased has specifically mentioned that the applicant was causing harassment to him. He was threatening the deceased saying that he will tie and kill him and he will hang him. The learned APP further submitted that the applicant had gone to meet the deceased with goons. The learned APP further submitted that the deceased has referred the applicant as gambler and the applicant has criminal antecedents of gambling act, as offence bearing F.I.R. No.217 of 2024 is registered with Deloor Police Station under section 12A of the Maharashtra Prevention of Gambling Act against the applicant, hence she 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.

6. The suicide note is found with the deceased. It is mentioned in

the suicide note that the applicant is gambler and the applicant had threatened the deceased that he will kill him if amount is not repaid. The applicant was harassing the deceased with goons. In the suicide note, the deceased has mentioned about recording of two video clips in his mobile and in the said video clips, he has stated that due to applicant only he is committing suicide. Along with section 306 of the IPC, the police has registered the offence under sections 385 and 387 of the IPC against the applicant, which states about putting the person in fear of death or grievous hurt in order to commit extortion. It appears from the suicide note that to repay the amount, the applicant was harassing the deceased with threat to kill him and he had gone to the shop of the deceased with goons. It appears that the deceased was under tremendous tension due to threat by the applicant. It is alleged that the applicant is gambler. One offence is registered against him under said Act. It appears that due to harassment of the applicant, the deceased has committed suicide. Though the learned counsel for the applicant is stating that the applicant was asking for repayment of the money from the deceased, it appears that the said demand was not by legal way. Due to harassment by the applicant, the deceased forced to commit suicide. Considering the allegations against the applicant in F.I.R. and allegations in the suicide note found with the deceased, the custodial interrogation of the applicant is required. Though the learned counsel for the applicant stating that it was repayment of the loan

amount, from the F.I.R. it does not disclose that it was amount given by the applicant or he was asking ransom from the deceased. I have gone through the case laws cited by the learned counsel for the applicant. Facts of cited cases and the facts of case in hand are different and the same are not applicable. Considering above reasons, I pass the following order :-

**ORDER**

The application is rejected.

[ SHIVKUMAR DIGE, J. ]

sga