



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

929 BAIL APPLICATION NO. 1618 OF 2024

FIROZ MAHAMAD SAYYAD
VERSUS
THE STATE OF MAHARASHTRA

...
WITH CRIMINAL APPLICATION NO.3938 OF 2024

...
Advocate for Applicant : Mr. Jadhav Satej S.
APP for Respondent/State : Mr.S.B. Pulkundwar
Advocate for the victim/assist to P.P. : Mr. B.N. Gadegaonkar

...
CORAM : S. G. MEHARE, J.

DATE : 3rd October, 2024.

P.C.:

1. Heard the learned counsel for the applicant, the learned APP for the respondent/State and the learned counsel for the victim.
2. The applicant seeks bail in C.R.No.163 of 2024 registered with Mukhed Police Station, District Nanded, for the offences punishable under Sections 306, 385 and 387 read with 34 of the Indian Penal Code.
3. The deceased before committing suicide left the suicide note and a video clip. In the suicide note, he wrote that "I Shaikh Sattar Amiroddin is committing suicide. A gambler of Mukhed, Firoz Mohamad Sayyed FM has threatened me to kill. He came to my shop with boys and asked me to pay the money or else he would kill me". In the video clip, he again narrated that "he is dying due to gambler Firoz Mahamad Sayyed (FM) as he is threatening me that he would kill and

cut me.” On this suicide note, the crime was registered with Mukhed Police Station.

4. The learned counsel for the applicant has vehemently argued that the deceased had taken Rs.10,00,000/- from the applicant with a promise to repay in a short time. The applicant paid money to the deceased by RTGS. The deceased was running a shop by name Vishnu mobile. He has also produced his Shop Act licence. The applicant was just demanding Rs.10,00,000/-, which he had given to the deceased. The deceased had raised loan from the bank and one civil suit for land was filed against him. Even after having prohibitory injunction against him, he sold the said land. In short, he was burdened with a heavy loan and he was not in a position to repay the loan. Therefore, out of frustration, he might have committed suicide. But he was not fair enough on the last stage of his life. The applicant is entitled to ask for repaying the loan amount. It is not abetment to commit suicide. The applicant is languishing in jail since last around three months. Nothing is to be recovered from him. Hence, he may be granted bail.

5. The learned APP for the State and learned counsel for the victim vehemently argued that the suicide note and video clip are the best evidence against the applicant to believe that the applicant had threatened the deceased. Therefore, he is responsible for his death. They have argued that there are some witnesses stating that the

applicant was asking for Rs.15,00,000/- to the deceased and it was extortion. The offence is serious. Hence, the applicant may not be granted bail.

6. The facts reveal that the amount of Rs.10,00,000/- was due against the deceased, which the applicant was transferred by RTGS. So question is whether demanding money due is the instigation or abetment to deceased to commit suicide. The prosecution case was mainly based upon suicide note and video clip, which is silent about extortion of money. Nothing is recovered from him. He is languishing in jail for sufficient time. The material investigation is completed. Hence, the order:-

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **FIROZ MAHAMAD SAYYAD** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions:
 - (a) He should not tamper with the prosecution witnesses.
 - (b) He should attend the trial on each effective date and co-operate with the Trial Court after filing the chargesheet.
- (iii) Criminal Application No.3938 of 2024 stands disposed of.

(S.G. MEHARE, J.)