



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

969 ANTICIPATORY BAIL APPLICATION NO. 1761 OF 2024

1. Baban Ramkisan Pokale
2. Babu Bhausahab Pokale

VERSUS

The State Of Maharashtra And Another

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Mr. R. G. Hange, Advocate for Applicants
Mrs. A. S. Mantri, APP for the respondent/State
Mr. S. Shekade, Advocate for the informant

CORAM : R. M. JOSHI, J.

DATE : 13th DECEMBER, 2024

PER COURT :-

1. At the outset learned counsel Mr. Shekade seeks leave to assist the APP. Leave granted.
2. Applicants apprehend arrest in connection with Crime No. 409/2024, registered with Ashti Police Station, Dist. Beed for the offences punishable under Sections 108, 3(5) of Bhartiya Nyaya Sanhita, 2023.
3. The first informant is sister of deceased Bhausahab. She claims that the deceased had informed her about the present applicants causing harassment to him for recovery of money lend by them to him. The first information report also shows that the deceased claim that entire money was returned, however, in spite of the same by using the

blank cheque issued by him, he was threatened to subject him to the court proceedings. It is claimed that being pressurized by the applicants, deceased committed suicide.

4. Learned counsel for the applicants submits that there is no evidence to indicate that any pressurizing practice adopted or any threat was given to the life or live of the deceased. It is his submission that informing the deceased about the applicants intention to go to the court of law cannot be considered as suicide. He also submits that there is no criminal history against the applicants. They are not likely to flee from justice.

5. Learned APP and learned counsel for the informant opposed the application by contending that the allegations in the first information report indicates that the deceased was pressurized by the applicants. Reference is also made to the statement of the widow of the deceased he states that on the date of the incident, applicants had been to place of the deceased and they threatened him.

6. The first information report itself indicates that there was some money transaction between the applicants and deceased. Report also states that the applicants had told the deceased that they would initiate court proceedings on the basis of the cheque issued by him. This

Court finds substance in the contention of the learned counsel for the applicants that such intimation will not amount to instigation to commit suicide.

7. Having regard to these facts and also in view of the fact that this is not the matter wherein custodial interrogation of the applicants is necessary. Hence, application stands allowed in terms of interim order dated 18/10/2024.

(R. M. JOSHI, J.)

ssp