

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.1740 of 2024

Sagar Narendra Vegad

Age: 29 years, Occ. Business

R/o. Flat No.403, Green City,

Kingcross Building, 'D' Wing,

B-Cabin Road, Morivali Village,

Near Jondhale College,

Ambernath, Dist. Thane – 421 501.

... Applicant

v/s.

The State of Maharashtra

Through Ambernath Police Station,

Ambernath, Dist. Thane.

... Respondent

....

Mr Ashok Mundargi, Senior Advocate i/b. Sumedh Modak, for the Applicant.

Ms Anuja Gotad, APP, for the Respondent/ State.

PSI Nageshwar B. Mundhe, Ambernath Police Station is present.

....

Coram : R.N. Laddha, J.

Date : 28 June 2024

P.C. :

Heard Mr Ashok Mundargi, learned Senior Counsel for the applicant and Ms Anuja Gotad, the learned Additional Public Prosecutor for the State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.887 of 2024 registered at Ambernath Police Station, Thane, for the offences punishable under Sections 306 read with 34 of the Indian Penal Code and Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014.

3. The first informant, who is the wife of deceased Mahesh, alleged in the FIR that the applicant and the co-accused lent the amount on heavy interest to the deceased and on failure to repay, he faced threats from them. Frustrated by their harassment, her husband, Mahesh, committed suicide on 6 May 2024.

4. Mr Ashok Mundargi, the learned Senior Counsel, appearing for the applicant, submits that the allegations in the FIR do not support the charge of abetment to suicide under Section 306 of IPC nor is there any material to attract the provisions of the Maharashtra Money Lending (Regulation) Act, 2014 against the applicant. He submits that the essential element of abetment, as defined u/s 107 IPC, is missing. There is nothing on record to suggest that the applicant intentionally aided, instigated or abetted the deceased to commit suicide. The learned Senior Counsel further submits that the allegations in the FIR are absurd and improbable. According to Mr Mundargi, except for the bald allegation that the applicant called the deceased and demanded the money, there is no material to connect the applicant remotely with the crime. The allegation of repeated calls is not supported by any documentary evidence. Nothing is to be recovered or discovered from the applicant.

5. On the other hand, Ms Anuja Gotad, the learned APP

representing the State, submits that the veracity of the allegations against the applicant would be considered only after a full-fledged trial and no interference is warranted at this stage. The allegations in the FIR corroborate with the suicide note. According to her, the material placed on record demonstrates harassment by the applicant. The applicant is also accused of committing an offence punishable under Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act, 2014. If the applicant is granted anticipatory bail, he may tamper with the prosecution evidence/witnesses as the investigation progresses.

6. The records indicate that an FIR was filed on 1 June 2024, alleging that the applicant had lent a substantial amount with high interest in 2021, and the applicant pressurised the deceased to repay the borrowed amount with interest. There is a sufficient gap between the incident involving the applicant and the deceased's act of suicide. The transactions date back to 2021 and the deceased committed suicide in 2024. There appears to be no direct link between the two, as the deceased had ample time to consider the consequences of suicide. Additionally, the harassment allegations from 25 January 2024, 4 May 2024, and 6 May 2024 pertain to the co-accused rather than the applicant. Furthermore, nothing is to be recovered or discovered at the instance of the applicant. The prosecution's apprehension that the applicant may tamper with the

evidence/ witnesses can be addressed by imposing appropriate conditions. In the circumstances, the present application is allowed in the following terms:

(i) In the event of the applicant's arrest in CR No.887 of 2024 registered at Ambernath Police Station, Thane, he be released on bail, on furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses in any manner.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)