

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1814 OF 2024

Vinayak Sanjay Zendge

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Priyal G. Sarda, for Applicant.
- Mr. R.M. Pethe, APP for Respondent.

CORAM: MANISH PITALE, J.

DATE : 15th July, 2024.

P. C. :

1. Heard, Mr. Priyal Sarda, learned counsel for the applicant and Mr. R.M. Pethe, learned APP for the State.
2. The applicant apprehends arrest in connection with First Information Report No.0180 of 2024, dated 08th June, 2024, registered at Police Station Barshi Taluka, District Solapur, for the offences under Sections 306 and 506 of the Indian Penal Code (IPC).
3. The informant has alleged that due to the threats repeatedly given by the applicant to the father of the informant regarding return of money, he was instigated to commit suicide on 03rd June, 2024. In the light of the statement given by the informant, the aforesaid FIR was registered for the said offences.

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4. The learned counsel for the applicant submits that an amount of ₹ 3,50,000/- was to be paid by the deceased to the applicant in the light of loan of ₹ 4,00,000/- advanced to the deceased for buying cows. It is submitted that merely because the applicant was insisting upon return of his money, it could not be said that the actions undertaken by the applicant were with the intention to instigate the deceased to commit suicide. It is submitted that the ingredients of the offence under Section 306 of the IPC are not made out and therefore, this Court may consider allowing the present application, as the applicant undertakes to cooperate with the investigation.

4. On the other hand, learned APP submits that the repeated threats given by the applicant continued till 31st May, 2024, and immediately thereafter on 03rd June, 2024, the deceased committed suicide, thereby *prima facie* showing the ingredients of offence under Section 306 of the IPC.

5. This Court has perused the material on record. Even if a statement of the informant leading to registration of the FIR is to be accepted, it appears that the applicant was pursuing the deceased for return of his money. It is alleged that on 02nd May, 2024, 15th May, 2024 and 31st May, 2024, the applicant visited the father of the informant i.e. the deceased and asked for his money, threatening that if the amount was not returned, he knew how to recover such amount. On 03rd June, 2024, the deceased committed

suicide.

6. This Court is of the opinion that *prima facie* the acts attributed to the applicant, even if they are accepted as it is, can be said to be acts undertaken by the applicant to vigorously pursue his intention of recovering the amount advanced to the deceased. At this stage, it does not appear to be a case showing any intention on the part of the applicant to drive the victim to commit suicide and that the repeated visits made to the deceased were with the intention to instigate him to commit suicide.

7. *Prima facie* the ingredients of the offence under Section 306 of the IPC cannot be said to be made out. The applicant is ready to cooperate with the investigation.

8. In view of the above, the application is allowed in the following terms :

(A) In the event the applicant is arrested in connection with FIR No.0180 of 2024, dated 08th June, 2024, registered at Police Station Barshi Taluka, District Solapur, he shall be released on bail on furnishing P.R. Bond of ₹ 25,000/- and one or two sureties in the like amount to the satisfaction of the Trial Court.

(B) The applicant shall appear before the Investigating Officer

on 18th July, 2024 and thereafter as and when called.

- (C) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of the present order.

10. The application is disposed of.

(MANISH PITALE, J.)