

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

ANTICIPATORY BAIL APPLICATION NO. 2885 OF 2024

Lakshman @ Dada Dattatray Hajare

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Priyal Sarda a/w Ms. Seema Dighe and Mr. Rajesh Ranglan, for Applicant.
- Ms. R.V. Newton, APP for Respondent – State.
- Mr. Jayant Devidas Shinde, PHC, Barshi Taluka Police Station.

CORAM : MANISH PITALE, J.

DATE : 24th OCTOBER, 2024.

P. C. :

1. Heard, Mr. Sarda, learned counsel for the applicant and Ms. Newton, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.0207 of 2024, dated 04.07.2024, registered at Police Station Barshi Taluka, District Solapur Rural, for offences under Sections 108, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 39 and 45 of the Money Lending (Regulation) Act, 2014.

3. In the present case is alleged that his father i.e. the victim committed suicide because of the mental harassment suffered at hands of the accused persons, including the applicant. It is alleged that the applicant was harassing the victim on account of return of amount allegedly advanced to the

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victim. In that context, offences under the provisions of the Money Lending (Regulation) Act, 2014, are also registered.

4. The learned counsel for the applicant submits that the allegations in the present case are general and *omnibus*. There are no specifics. It is submitted that in terms of the settled law, the ingredients of the offence under Section 108 of the BNS are not made out. Even as regards other offences, it is submitted that in the absence of any details, it cannot be claimed even *prima facie* that the applicant is guilty of such offences.

5. On the other hand, the learned APP relies upon a suicide note left behind by the victim. It is submitted that there are statements recorded during the course of investigation, showing that even neighbours were aware about the manner in which the applicant was harassing the victim.

6. This Court has considered the material on record. A perusal of the statement, leading to registration of the FIR, shows that reference is made to ₹ 2,000/- being due from the victim for *Kirana* material supplied by the applicant, who runs a *Kirana* shop. It is further alleged that an amount of ₹ 10,000/- with interest @ 10% was allegedly advanced to the victim and that the applicant was insisting upon return of the same and in that context, tremendous mental harassment was meted out to the victim.

7. The FIR does not disclose specific incidents and general allegations are made. There is absence of any specific overt act alleged against the applicant in close proximity to the actual act of suicide of the victim. As per settled law, merely harassment of the victim cannot disclose ingredients of the offence under Sections 108 of the BNS.

8. This Court has perused the suicide note, which simply states that the victim was committing suicide because of the applicant and further records that a compensation of ₹ 5 Lakhs should be given to the son of the victim i.e. the informant herein. The contents of the suicide note *prima facie* do not inspire confidence and even if the same are considered, it cannot be said that a case under Section 108 of the BNS is made out.

9. In view of the above, the application deserves to be allowed. Accordingly, it is allowed in the following terms :

(A) In the event the applicant is arrested, he shall be released on bail, in connection with FIR No.0207 of 2024, dated 04.07.2024, registered at Police Station Barshi Taluka, District Solapur Rural, on furnishing PR Bond of ₹25,000/- with one or two sureties each in the like amount, to the satisfaction of the Trial Court.

(B) The applicant shall remain present before the Investigating

Officer on 28th October, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.

- (C) The applicant shall cooperate with the investigation.
- (D) 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.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

11. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

12. The application is disposed of.

(MANISH PITALE, J.)