

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3359 OF 2024

Amol @ Balasaheb Jaganath Patole ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Vikas Shivarkar for Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Pundlik Maruti Gavade, PSI, Indapur Police Station.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 13, 2024

P.C. :

. Heard Mr. Shivarkar, learned counsel for the applicant and Mr.Sonavane, learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0714 of 2023 dated 15.07.2023 registered with Indapur Police Station, District - Pune Rural, for offence under Sections 306 read with 34 of the Indian Penal Code, 1860 (IPC). The FIR is registered against the applicant, who is named as an accused person, along with three unknown accused persons.

3. The informant, in the present case, is the uncle of one of the deceased persons. The allegation against the applicant is that, he along with the unknown persons visited the house of the deceased on the date and time of the incident. The deceased persons are husband and wife. At the time when the accused persons visited the house, only the wife was at home. The applicant allegedly told her that since her husband had failed to pay installments, he along with others had come to take away the car, which was the subject matter of the loan taken by the husband. It

is claimed that the wife called up her husband and asked the applicant to speak to him on phone. There was some discussion, whereupon the applicant entered the house of the victims, took the car key and thereafter the car itself was taken away by the accused persons.

4. In this backdrop, when the husband returned to his house, both the husband and wife committed suicide, one day after the other. According to the informant, who is the uncle of the husband, the acts of the accused resulted in the victims committing suicide, thereby justifying registration of the offence under Section 306 of the IPC.

5. The learned counsel for the applicant submits that the aforesaid offence pertains to abetment of suicide. It is submitted that the actions attributed to the applicant were undertaken, only with a view to recover the car as there was an arbitration award passed against one of the victims and he had reached the spot only to execute the award. It is submitted that the acts of the applicant could not be said to have been undertaken with the intention to drive the victims to commit suicide.

6. The learned APP, on the other hand, submits that the applicant has four criminal antecedents, including cases registered against him for theft and robbery. It is submitted that the manner in which the applicant acted, in the facts and circumstances of the present case, left no alternative for the victims but to commit suicide.

7. This Court has perused the statement of the informant leading to registration of the FIR. Even if the contents are taken into account, at worst, it can be said that the applicant did act in a manner, which created tension for the victims. But the said acts were undertaken by the applicant in order to take away the car in respect of which the victims appear to have defaulted in repayment of loan. This Court is of the opinion that attributing intention on the part of the applicant to drive the

victims to commit suicide by his actions *prima facie* can be said to be far-fetched. In a number of cases, the Supreme Court has repeatedly laid down that individuals, who insist upon recovery of debts from victims and they undertaking acts in order to recover such dues from the victims, cannot be said to have been undertaken with the intention to drive the victims to commit suicide.

8. In order to show a *prima facie* case against the applicant, the material on record ought to indicate that the actions of the applicant were undertaken with the intention of instigating the victims to commit suicide. This Court is unable to reach such a conclusion and hence, the application deserves to be granted. Existence of criminal antecedents against the applicant cannot come in the way so long as he is ready to co-operate with the investigation and a strong *prima facie* case is made out in his favour.

9. 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.0714 of 2023 dated 15.07.2023 registered with Indapur Police Station, District - Pune Rural, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating officer on 16.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

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

11. The anticipatory bail application is disposed of.

(MANISH PITALE, J.)

Minal Parab