



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.572 OF 2024

Vinod Ramsundar Pandey

Vs.

State of Maharashtra, Through Police Station Officer, Jalamb
District Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Sirpurkar, Counsel for the applicant.
Mr. U. R. Phasate, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/09/2024

1. Apprehending arrest at the hands of police in connection with Crime No.155/2024 registered with Police Station, Jalamb, District Buldhana for the offence punishable under Sections 108, 3 (5) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of the report lodged by the wife of the deceased on an allegation that there was a money transaction between the present applicant and the deceased and though the deceased has paid the amount, he was harassed by visiting his office and deceased felt humiliated and therefore, he committed suicide. On the basis of said report police have registered the crime against the present applicant.

3. Learned Counsel for the applicant further submitted that mere allegation of demanding the amount is not sufficient to attract the abetment against the present applicant. He further submitted that as far as the custodial interrogation is concerned, which is not required, in view of that interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application and submitted that the applicant has no regard to the orders passed by this Court and he has not attended the Police Station though there is a specific direction by this Court and not cooperated with the investigating agency. In support of his contention, he placed on record the general diary entry wherein it is specifically mentioned that despite the order passed by this Court, the applicant has not attended the Police Station and has not cooperated with the investigating agency. Though applicant has filed on record two entries which are subsequent to the reply filed by the State of dated 15.09.2024 and 08.09.2024. He further submitted that the suicidal note seized by the investigating agency sufficiently shows the involvement of the present applicant in the alleged offence. In view of that, the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR from which it reveals that out of money transaction, there was a dispute between the deceased and the present applicant. It is further alleged that present applicant and another co-accused visited the school of the deceased and there was some hot exchange of words between them. The suicide note which was collected during the investigation also shows that out of money transaction, the present applicant visited the school of the deceased and there was hot exchange of words and the deceased felt humiliated and he committed suicide. As far as the custodial interrogation is concerned, this Court observed that which is not required as nothing is to be recovered. It is further observed that mere demanding the amount is not sufficient to attract the abetment against the present applicant and therefore, he was protected by granted ad-interim protection with a direction that he shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. 1.00 p.m. and shall cooperate with the investigating agency. The general diary entry shows that despite the order passed by this Court and specific direction was given the applicant has not attended the Police Station and not cooperated with the investigating agency. When this fact is brought to the notice of this Court that he is not cooperating with the investigating agency by filing reply on

03.09.2024 subsequent to that the applicant has attended the Police Station on 08.09.2024 and 15.09.2024. Thus, conduct of the applicant itself is sufficient to show that he has no regard to the orders passed by this Court wherein the discretionary relief was granted in his favour by protecting him by granting ad-interim anticipatory bail. Considering the conduct of the present applicant, the application deserves to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)