



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

CRIMINAL APPLICATION (ABA) NO. 758 OF 2024

Vinod Ramsundar Pande

Vs.

State of Maharashtra, Through A. P. P. Khamgaon Police Station Officer,
Police Station, Jalamb District Buldhana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.V. Sirpurkar, counsel for applicant.

Mr. K.R. Lule, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/11/2024.

1. Apprehending the 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 read with Section 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 a report lodged by wife of the deceased, alleging 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 the deceased felt humiliated, and therefore, he committed suicide. On the basis of the said report, the police have registered the crime against the present applicant. Initially, the applicant was protected by granting ad-interim anticipatory bail, but

he has not attended the Police Station as directed by this Court, and therefore his anticipatory bail was cancelled and the application was rejected finally. It is submitted by the learned counsel for the applicant that due to the death of his relative, he could not attend the police station, and therefore, considering the same, he was protected by granting ad-interim protection.

3. He further submitted that as far as the allegation is concerned, mere demand of the money is not sufficient to show that there was an abetment at the hands of the present applicant. Moreover, his custodial interrogation is not required, in view of that, he be granted anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the material collected during the investigation is sufficient to show his involvement in the alleged offence. Considering that, he is responsible for the death of the deceased, and his custodial interrogation is required. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and on perusal of the recitals of the First Information Report, it reveals that out of a money transaction, there was a dispute between the deceased and the present applicant. The present applicant and other co-accused visited the school of the deceased, and there was some hot exchange of words between them. The

deceased felt humiliated and committed suicide. As far as the abetment is concerned, merely because the applicant has demanded the amount is not sufficient to infer that there was an abetment at the hands of the present applicant. There should be some specific role attributed to show that he has abetted the deceased to commit suicide. The vague allegations are not sufficient to level the allegation about the abetment against the present applicant. As far as the custodial interrogation is concerned, which is not required, as nothing is to be recovered. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order;

- a] The criminal application is **allowed**.
- b] In the event of the arrest in Crime No.155/2024 registered with Police Station Jalamb, District - Buldhana, for the offence punishable under Sections 108 read with Section 3(5) of the Bhartiya Nyay Sanhita, the applicant **Vinod Ramsundar Pande**, shall be released on anticipatory bail on executing PR bond of Rs.25,000/- with one surety in the like amount.
- c] The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and till completion of the investigation and shall cooperate with the investigating agency.

- d] The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]