



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 ANTICIPATORY BAIL APPLICATION NO. 234 OF 2025
WITH
CRIMINAL APPLICATION NO. 671 OF 2025 IN ABA/234/2025

SHAIKH SHAHNWAZ ZAHIR AHMED

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Patel Fayaz K.
APP for Respondents/State : Mr. B.B. Bhise
Advocate for assisting APP : Mr. T.M. Venjane

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WITH
ANTICIPATORY BAIL APPLICATION NO. 218 OF 2025
WITH
CRIMINAL APPLICATION NO. 670 OF 2025 IN ABA/218/2025

JAHANGIR TALEB CHAUS

VERSUS

THE SUPERINTENDENT OF POLICE AND ANOTHER

...

Advocate for Applicant : Mr. P.P. More
APP for Respondents/State : Mr. B.B. Bhise
Advocate for assisting APP : Mr. T.M. Venjane

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WITH
ANTICIPATORY BAIL APPLICATION NO. 251 OF 2025
WITH
CRIMINAL APPLICATION NO. 666 OF 2025 IN ABA/251/2025

GAUSPAK MALIK SAYYED

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Birajdar Yogesh G.
APP for Respondents/State : Mr. B.B. Bhise
Advocate for assisting APP : Mr. T.M. Venjane

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CORAM : ARUN R. PEDNEKER, J.

DATE : 18/03/2025

PER COURT :

1. Criminal Application Nos. 666, 670 and 671 of 2025 filed for assisting

APP are allowed. Mr. T.M. Venjane, learned counsel is allowed to assist APP.

2. Heard the learned counsel for the applicants, the learned APP for the respondents-State and Mr. T.M. Venjane, learned advocate assisting APP.

3. The applicants in above applications are apprehending arrest in connection with Crime No. 18/2025 dated 13.1.2025 registered with Gandhi Chowk Police Station, Latur, District Latur for the offences punishable under sections 108, 3(5) of B.N.S., 2023.

4. This Court has granted interim protection to the applicants by noting the submissions at para Nos.3 to 6 as under :-

"3] The learned counsel for the applicants submits that the applicants have charged under Section 108 of Bharatiya Nyaya Sanhita [Section 306 of the IPC], for having abetted the suicide of husband of the informant on 10.01.2025. It is stated that the deceased has left various suicide notes and video recording stating that the applicants and other three persons are responsible for his suicide. It is alleged in the FIR that the deceased has taken loan from the applicants at very high interest. The husband of the informant was unable to repay the said loan, as such, the applicants were insisting and threatening for repayment of loan amount, which resulted into suicide of the deceased.

4] The trial Court, by order dated 31.01.2025 in Criminal Bail Application No.25/2025 has noted the allegations against the present applicants, as under :

i) Accused 1 Jahangir, accused No.2 Hanmant despite execution of registered document did not make payment of Rs.29,00,000/- though he demanded the same from them, from time to time.

ii) Accused 3 Shaikh Shahanawaz repeatedly harassed deceased for not making payment of Rs.11,00,000/-.

iii) Accused Gauspak Sayyed harassed him for payment of principle amount of Rs.8,50,000/- though deceased already paid Rs.20,00,000/-.

5] The learned counsel for assisting to the P.P. submits that video recording are available, stating that the applicants and other three persons are responsible for the suicide of the husband of the informant. The mobile phones are yet to be recovered from the applicants, so also, the registered and unregistered documents, which are in the custody of the applicants, are yet to be recovered from the applicants. Considering the said fact, interrogation of the applicants is necessary.

6] Having considered the rival submissions, prima facie, it appears that the deceased had taken loan from the applicants and the husband of the informant was not able to repay the loan amount, as such, the applicants demanded the said amount from the husband of the informant. Thereafter, the husband of informant has committed suicide. The husband of the informant has taken loan from the applicants individually and he was unable to repay the said loan amount, the deceased has committed suicide. There are civil transactions between the parties. Considering the said fact, prima facie it cannot be said that the applicants have instigated or driven the deceased to commit suicide. In view of the same, the applicants are granted interim protection in the following terms :-"

5. The learned counsel for the applicants submit that in pursuance of the above order, the applicants have cooperated with the investigation and attended the police station. The learned counsel further submits that in pursuance of the order dated 7.3.2025 again the applicants have attended the police station and handed over the documents to I.O. The learned APP has not disputed the above facts of attendance of applicants to police station and cooperation with investigation.

6. It is stated in the FIR by the informant that husband of the informant has taken loan from the applicants at very high interest and as the husband of the informant was unable to pay the loan, it is alleged that, due to

harassment of the applicant, the husband of the informant has committed suicide and the applicants are responsible for his suicide.

7. Mr. T.M. Venjane, learned counsel assisting APP submits that some of the accused i.e. applicant in ABA No. 218/2025 owns certain money to the deceased and in the event, the applicant in ABA No. 218/2025 has made payment, the deceased could have in a position to repay the amount taken from the applicants and other persons. This submission per say itself could not be taken as instigation or driving the deceased to commit the suicide. It is stated that the sale deed is executed in favour of the applicant in ABA No. 218/2025 and only part payment is made and not the balance consideration amount is paid. Considering the above instance, it cannot be said that applicant in ABA No. 218/2025 had intention that the deceased should commit suicide. In ordinary circumstances, such transactions take place.

8. Considering the nature of offence, prima facie this court is of the view that this is a civil matter and the applicants have not instigated or driven the husband of the informant to commit suicide. At best, it can be said that some of the applicants to whom the deceased owed money would be interested in recovery of money.

9. Considering the above, as the allegations as made in the FIR may not squarely cover provision of section 108 of B.N.S. and thus, the interim protection granted on 25.2.2025 can be confirmed.

10. In view of the above, the application is allowed and the interim protection granted on 25.2.2025 is confirmed on the following terms :

- i] The applicants shall attend the police station as and when required.
- ii] The applicants shall not tamper with the evidence of the

prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

11. In the event, the applicants violates any of the conditions specified in this order, it shall be liable to be cancelled.

12. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/