



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 ANTICIPATORY BAIL APPLICATION NO. 1060 OF 2025

Amrut @ Bharat s/o Babasaheb Bhosale

...**APPLICANT**

VERSUS

The State of Maharashtra

...**RESPONDENT**

...

- Mr. Bhaskar Parmeshwar Gonare, Advocate for the Applicant
- Mr. M. K. Goyanka, APP for the Respondent/State
- Mr. N. L. Jadhav, Advocate for the Informant

...

CORAM : ABHAY S. WAGHWASE, J.

DATE : 26 AUGUST 2025

P. C. :-

1. This is a pre-arrest bail application apprehending arrest in Crime No.0167 of 2025 registered with Patoda Police Station, Tq. Patoda, Dist. Beed, for the offences punishable under Section 108 r/w 3 (5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel for the applicant would point out that, although informant's father allegedly committed suicide on 27.05.2025, the FIR was lodged on 28.05.2025 and as such, it is delayed FIR. Learned counsel further emphasized that, there are allegations that there was demand of return of hand-loan and getting fed up of the same, informant's father allegedly hanged

himself. Learned counsel pointed out that, apart from delayed FIR, initially spot panchanama was drawn without registering the FIR and that too, at a distance of 1 km. away from the alleged spot where suicide was committed. Thereafter, Police claim to have come across a motor cycle having dickey in which, it is alleged that, a note book containing suicide note was recovered. However, according to learned counsel, no distinct panchanama of this was drawn. There are general allegations that, there was demand of dues since last 10 to 15 days. According to learned counsel, there was nothing to indicate that there was any abetment or inducement to commit suicide. He further pointed out that, mere demand of dues would not attract above offence. Moreover, applicant has roots in the society and he is ready to co-operate with the investigation and hence he urges for grant of anticipatory bail.

3. Both, learned APP as well as learned counsel for the complainant, have strongly opposed the above application. Learned APP submitted that, there is statement of wife of deceased wherein she has reported that, there was consistent and persistent demand of return of hand-loan. According to learned APP, money lending business was being conducted without license, illegally. That, investigation revealed that present applicant had made as many as 82 calls to the deceased. That, there is CDR in that regard. Even on the morning of the suicide, there was one call from the applicant at around 11.30

a.m. or so. That, only because of hot persuasion and demand, there is suicide. That, in fact, according to the informant, the deceased had already repaid the loan amount, however exorbitant returns were demanded and for thorough investigation, learned APP has opposed the application.

4. The learned counsel for the complainant also opposed the application on the ground that, illegal money-lending business is conducted. That, fresh offence has been reported against the present applicant subsequent to instant FIR. The learned counsel also apprehends misuse of liberty if anticipatory bail is granted. For above reasons, both have urged this Court to reject the application.

5. After hearing the above submissions and going through the police papers, more particularly, the FIR dated 28.05.2025, suicide by Sanjay Sampatlal Kankariya occurred on 27.05.2025. The substance of the FIR at the instance of son of the deceased is that, for the last 15 days, he heard his father saying that in spite of repaying 5-6 times the amount of hand loan which he had borrowed, there were repeated demands on the phone and threats. The informant claims that, he also questioned his father as to who was threatening him, but his father did not disclose any name and was found to be under mental pressure. Informant further claims that on 27.05.2025 at around 1.15

p.m., he learnt from his cousin Chandan about receipt of telephonic information from one Shafique Sayyad regarding informant's father found hanging in their room in agriculture field in Gut No.101-A, and accordingly informant went there. He further reported that police arrived, drew spot panchanama and thereafter, when search of motor cycle of deceased was undertaken, it is alleged that, it cycle was found near river bank, and in the dicky of said motor cycle they found a red coloured notebook wherein there was said to a suicide note inside, wherein he had made reference of Amrut Babasaheb Bhosale and stated that, in spite of repaying, demand was made repeatedly for excess money and hence suicide is being committed.

6. Therefore, from the above FIR, it is emerging that on account of demand of hand-loan with excess rate of interest, the deceased had hanged himself while he was alone in his field. As pointed out and on going through the FIR, in the initial part of the FIR, the informant himself has claimed that his father informed him about hand-loan being taken and it being repaid, but still dues were demanded again and again. The informant questioned his father as to who was demanding and threatening, but his father has not disclosed anybody's name.

7. Learned APP as well as learned counsel for the complainant have

strongly objected for relief on the ground that, the applicant is conducting an illegal money-lending business. That could be a distinct part to be investigated. At this stage, it is only to be seen whether the present applicant is liable for abetment. According to the prosecution, suicide is committed due to persistent demands for money extended by way of hand-loan. Though the learned APP pointed out that there were 82 calls at the hands of the present applicant, the very element of abetment to commit suicide is missing. *Prima facie*, mere repayment and persistent demand for hand loan would not constitute abetment or inducement. Moreover, the report is also delayed. Suicide note is already seized. Therefore, this Court is of the opinion that custodial interrogation is not necessary and further investigation can be carried out by securing presence of the applicant. Accordingly, the following order is passed :

ORDER

- (i) Anticipatory Bail Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.0167 of 2025 registered with Patoda Police Station, Tq. Patoda, Dist. Beed, for the offences punishable under Section 108 r/w 3 (5) of the Bharatiya Nyaya Sanhita, 2023, he shall be released on executing PB. and S.B. of Rs.15,000/- with one surety in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer till filing of charge-sheet and shall co-operate in the investigation.

(iv) The applicant shall not tamper the prosecution evidence.

(ABHAY S. WAGHWASE, J.)

PRW