

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 370 OF 2025

Rupesh Dattatraya Shinde	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Vikas Shivarkar for the Applicant.
Dr. Ashvini A. Takalkar, APP for Respondent-State.
PSI – P. M. Gavade, Indapur Police Station.

**CORAM: MANISH PITALE, J.
DATE : 29th JANUARY 2025**

P.C. :

1. Heard Mr. Shivarkar, learned counsel for the applicant and Dr. Takalkar, learned APP for the respondent-State.

2. The applicant is seeking bail in connection with FIR No.0714 of 2023 dated 15th July 2023 registered with Indapur Police Station, District - Pune Rural, for offence under Sections 306 read with 34 of the Indian Penal Code, 1860 (IPC). It is brought to the notice of this Court that the FIR did not specifically name the applicant as one of the accused persons.

3. The applicant in the present case is proprietor of a firm engaged in the business of financial recoveries. It was engaged to recover a car in respect of which the deceased had taken loan. The loan could not be repaid due to which an arbitral proceeding was

initiated, resulting an award and ultimately the action of recovering the subject car. It is alleged that the persons who actually visited the house of the deceased to recover the car, were instructed by the applicant to do so. After the car was allegedly forcibly recovered by the accused persons, the persons who had taken loan concerning the car i.e. the deceased, took the extreme step of committing suicide. The allegation against the applicant is that he, along with co-accused persons, abetted the suicide of the deceased persons.

4. The learned counsel for the applicant, at the outset, relied upon order dated 13th December 2024 passed by this Court in Anticipatory Bail Application No. 3359 of 2024 (*Amol @ Balasaheb Jaganath Patole v/s. The State of Maharashtra*), whereby this Court granted anticipatory bail to co-accused person. It is submitted that the alleged role of the said co-accused person could be said to be much higher, in the sense that he was the person who entered into the house of the deceased to forcibly take the car keys and eventually, to take the car away from the house of the deceased persons. In that light, it is submitted that this Court may invoke the principle of parity and grant bail to the applicant.

5. It is further brought to the notice of this Court that the applicant was arrested on 6th January 2025 and in the light of the fact that the co-accused person, who had a higher role, was granted anticipatory bail, this Court may consider enlarging the applicant on bail.

6. The learned APP could not dispute the fact that the aforesaid co-accused person was granted anticipatory bail by this Court.

7. This Court has considered the material on record. While granting anticipatory bail to the co-accused person-Amol @ Balasaheb Jaganath Patole, this Court made the following observations :

“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.”

8. The aforementioned observations would certainly inure to the benefit of the applicant herein, simply for the reason that the role attributed to the applicant is that of being proprietor of the

firm involved in financial recoveries and his name is not even mentioned in the FIR. This Court is of the opinion that the allegation of abetment of suicide would necessarily involve acts on the part of applicant/accused undertaken with the intention of instigating the deceased persons to commit suicide. *Prima facie*, this Court finds that the said theory of the investigating authority/prosecution is farfetched and therefore, a strong case is made out on merits by the applicant. He was arrested on 6th January 2025. It is further submitted that the applicant has no criminal antecedents. This Court is of the opinion that the application deserves to be allowed.

9. Hence, the application is allowed in the following terms:

- (a) The applicant shall be released on bail in connection with FIR No. 0714 of 2023 dated 15th July 2023 registered with Indapur Police Station, District - Pune Rural, on furnishing P.R. Bond of Rs. 25,000/- and one or two sureties in the like amount.
- (b) The applicant shall co-operate with the trial Court for expeditious trial and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- (c) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.

- (d) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

10. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application is disposed of.

MANISH PITALE, J.