

ORDER BELOW EXH.5 IN CRIMINAL BAIL APPLICATION NO. 311 OF 2022
(Bajarang Shivram Pawar Vs. State of Maharashtra)
CNR : MHST04-001165-2022

Apprehending arrest at the instance of Karad City police station in connection with C.R.No.972 of 2022 registered under Sections 306 r/w. 34 of the Indian Penal Code, 1860 and under Sections 39 and 45 of the Maharashtra Prevention of Money Laundering Act, 2014, the present applicant prayed for interim release till filing of the reply by respondent.

2) The facts relevant to the case as revealed from the copy of FIR substantiate that on 25/10/2022 the son of deceased lodged complaint with the police inter-alia alleging that on 13/10/2022 at about 9-00 a.m. while he was proceeding for work, he had seen his father Dagadu Shaikh sitting in his Chicken shop. After sometime, he received phone call of his brother Suleman informing that their father committed suicide by hanging in the shop. When the informant reached to the shop of his father, he saw his father Dagadu Shaikh hanged himself to the iron hook and committed suicide. The police came there and drawn panchnama. At that time, the police found suicidal note in the pocket of deceased wherein he has informed that he was fed-up due to the harassment of money lenders and commit suicide. His father has disclosed the name of some persons wherein the name akin to the present applicant is recorded. The police obtained CCTV footage from the shop of deceased wherein the deceased was seen committing suicide. The allegations in the FIR reveal that money lenders harassed the deceased and thereby abetted commission of his suicide, hence, the complaint.

3) Ad-interim bail is prayed mainly on the ground tht the incident had taken place on 13/10/2022, however, the FIR has

been lodged belatedly on 25/10/2022 i.e. after period of 13 days, for which no plausible explanation has been offered in the FIR. On that count Ld. Advocate for applicant submitted that the complaint is afterthought.

4) To attract the regors of the offence of abettement to commit suicide, there must be specific allegations in respect of obtaining amount by the deceased from the applicant and co-accused. However, no such instances have been reflected in the FIR. Similarly, there is no whisper in respect of harassment caused at the instance of present applicant which purportedly results into abettment to commit suicide. Even prima facie to attract the provisions of Money Lending Act, there must be series of monetary transaction which are conspicuously missing.

5) Ld. Advocate for the applicant has drawn attention of the Court to the copy of FIR wherein the name of present applicant is mentioned as 'Gaikwad Bhau Nagarale' on the basis of recitals in suicidal note found in the pocket of the deceased. On the contrary, the name of applicant is 'Amrutrao Anandrao Gaikwad' and not 'Gaikwad Bhau Nagarale' as sought to be canvased in the FIR. On that count Ld. Advocate for applicant submitted that on the basis of wrong name appearing in the copy of FIR, the applicant has been falsely implicated in the present crime. The recitals of FIR prima facie nowhere suggesting the involvement of applicant in the purported offences. Even considering the nature of allegations, there remains nothing to be recovered at the instance of applicant.

6) There are no criminal antecedent to discredit of the applicant, having fixed place of abode and family to look after therefore the chances of his absconding are minimal. The applicant is a person of advanced age and suffering from several

medical conditions. Ld. Advocate for applicant stated across the Bar that the applicant shall co-operate the investigating agency if released on bail.

7) The concern of Prosecution, if any, can be taken care of by directing the applicant to join investigation. Hence, the application deserves to be allowed in terms of order below.

ORDER

1) Application (Exh. 5) stands allowed.

2) In the event of arrest of applicant/accused Bajarang Shivram Pawar, he be released on ad-interim anticipatory bail on executing P. B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand) with one or two surety/ies of like amount in connection with C.R.No.972 of 2022 registered with Karad City Police Station till filing of reply by the Respondent on following conditions :

a) He shall report Karad City Police Station on every Monday in between 8:00 a.m. to 11:00 a.m. till filing of charge-sheet or in the meanwhile on the written intimation by the Investigating Officer.

b) They shall not indulge in the similar offences and shall maintain calm and peace.

c) He shall not directly or indirectly make any inducement, threat, promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer.

d) He shall not tamper the Prosecution witnesses.

e) In the event of breach of any of the conditions, as narrated above, without any further order the liberty granted to the above applicant shall stand cancelled.

3) Issue notice to respondent, returnable on 10/11/2022.

- 4) Application (Exh. 5) stands disposed of accordingly.
(Pronounced and dictated in open Court).

Place : Karad.
Date : 2nd November, 2022.

(V. V. Kathare)
Addl. Sessions Judge
Karad.