HIGH COURT OF JUDICATURE AT BOMBAY

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 ANTICIPATORY BAIL APPLICATION NO. 1092 OF 2018

SHRIKANT LAXMAN KALOKHE
VERSUS
THE STATE OF MAHARASHTRA
.....
Advocate for Applicant : Mr. Nangare Prashant R.
APP for Respondent-State : Mr. V. M. Kagne
.....

CORAM : V. K. JADHAV, J.
DATED : 16th OCTOBER, 2018

PER COURT:-

1. The Applicant is seeking anticipatory bail in connection with crime no.0544 of 2018 registered with Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 306, 506 read with Section 34 of IPC. His application bearing Criminal Misc. Application No.1744 of 2018 came to be rejected by the Additional Sessions Judge, Ahmednagar vide order dated 26.09.2018.

2. The learned counsel for the applicant submits that as alleged in the complaint, the deceased had borrowed certain amount from the applicant and on 08.09.2018, the applicant alongwith his sister

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went to his house and demanded the amount. Learned counsel submits that as alleged in the complaint, even prior to the visit of the applicant to the house of the deceased, the co-accused Vikas Masalkar also had been to the house of the deceased for demanding his amount and till the amount of loan advanced by him to the deceased was paid, he forcibly took away the motorcycle of the deceased. Learned counsel submits that the said co-accused Vikas Maslkar has been released on anticipatory bail by this Court, vide order dated 09.10.2018 in anticipatory bail application No.1063 of 2018.

3. Learned APP has strongly resisted the application on the ground that after the visit of the applicant, on the very next day, the deceased has committed suicide. In view of the same, the applicant is not entitled for anticipatory bail.

4. On careful perusal of the investigation papers and after going through the allegations made in the complaint, it appears that the the co-accused Vikas Masalkar had been to the house of the deceased to demand his amount and in lieu of the said amount, he took away the motorcycle of the deceased. Furthermore, said co-

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accused Vikas Masalkar had also given threats to the deceased that he would defame him in public for not paying his amount back. The applicant has merely demanded his amount and *prima facie* it is difficult to infer that the applicant was intending thereby the deceased to commit suicide. In the given set of allegations, custodial interrogation of the present applicant is not required. Furthermore, there is no suicidal note left by the deceased. Thus, considering the entire aspect of the case and since in the same set of allegations, the co-accused Vikas Masalkar has also been granted anticipatory bail, I am inclined to grant anticipatory bail to the present applicant with certain conditions. Hence the following order:

ORDER

I. The anticipatory bail application is hereby allowed.

II. In the event of arrest of the applicant-Shrikant Laxman Kalokhe in connection with crime no.0544 of 2018 registered with Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 306, 506 read with Section 34 of IPC, he be released on bail on his furnishing P.B. of Rs.15,000/- (Rupees Fifteen Thousand) with one surety of the like amount, on the following conditions;

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a. The applicant shall not tamper with the prosecution evidence in any manner.

b. The applicant shall attend the concerned police station once in a week on every Monday between 8.00 am to 11.00 am, till filing of the charge sheet.

III. The anticipatory bail application is accordingly disposed of.

(V. K. JADHAV, J.)

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