

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK**

**AT – NASHIK.**

**(Presided over by Mr. M. H. Shaikh)**

**Criminal Bail Application. No.109 of 2022**

**CNR No.MHNS010002892022**



**Nikhil Manik Bhavale**

Age : 25 years, Occ : Agriculture

R/o : Near Amrut Garden, Satpur,

Nashik.

... Applicant/Accused.

**VERSUS**

State of Maharashtra

Through Satpur Police Station.

(C.R. No.I-11/2022)

... Respondent/State.

**Appearance :**

Ld. Advocate Shri. Jaydeep S. Vaishampayan for Applicant/Accused.

Ld. A.P.P. Shri. Kadve for Respondent/State.

Shri. B. V. Wagh, Police Sub-Inspector (I.O.) present.

**ORDER BELOW EXH. NO.1**

**(Delivered on 29<sup>th</sup> January, 2022)**

1. This is an application filed under Section 439 of Criminal Procedure Code for grant of regular bail in Crime No. I-11/2022 registered with the respondent Satpur Police Station for an offence punishable under Section 306 of the Indian Penal Code.

2. Perusal of the F.I.R. reflects that the deceased Nilesh had borrowed a sum of Rs.10,000/- from the applicant for four months @

25% interest and as had given as a security the VIVO Company mobile phone. The interest amount could not be paid by the deceased and his brother, who is the complainant, therefore the applicant abused the deceased, beat him and took the motorcycle of the deceased. Because of this act, the deceased had committed suicide and the matter came to be reported by the brother of the deceased with the Satpur Police Station.

3. It is the case of the applicant that he is an innocent and has not committed any offence. Section 306 of the Indian Penal Code is not attracted. The brother of the deceased is alcoholic and he had taken loans from various persons. The sister of the deceased was suffering from some disease. Major portion of the investigation is completed and on any terms and conditions the application be allowed.

4. Respondent filed their say and strongly objected by saying that the F.I.R. was lodged immediately on the next day of the incident. The transaction was between the deceased and the applicant. The offence is serious in nature. Investigation is in progress. Applicant resides in the area, where the deceased and the witnesses reside. Therefore, prayed to turn down the application.

5. Heard Ld. Advocate for the applicant and Ld. A.P.P. for the State. Gone through the police-paper produced for inspection by the I.O., who is present before the Court.

6. Upon hearing and going through the material placed on record, what can be gathered is that, the allegations are that an amount of Rs.10,000/- was borrowed as a loan by the deceased and his brother from the applicant and as they could not repay the loan and interest

thereon, therefore, it seems that the applicant beat the deceased, abused him and took away the motorcycle and thereafter immediately the deceased had committed the suicide. The allegations and the counter allegations shall be dealt with by the Ld. Trial Court, when the matter will ripe-up for hearing. At this juncture, this Court is called upon to see as to whether at this juncture the applicant is entitle to be enlarge on bail. This Court finds that, investigation is in progress. The mobile phone of the deceased is to be seized by panchanama and the call details and the conversation is to examine by the I.O. The statement of the witnesses are yet to be recorded. The applicant, the deceased and the witnesses are of resident of same area. Therefore, considering the gravity of the offence and the investigation in progress, this Court finds that at this juncture, the discretion can not be invoke in favour of the applicant. In the result, the application fails. Hence, the order.

**ORDER**

1. Criminal Bail Application No.109/2022 stands rejected.
2. Application stands disposed off accordingly.

Place : Nashik.  
Date : 29/01/2022

**(M. H. Shaikh)**  
Additional Sessions Judge, Nashik.