

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,
AT – NASHIK.

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

Criminal Bail Application No.271 of 2022

CNR No.MHNS010008282022



Nikhil Manik Bhavale

Age : 25 years, Occ : Agriculture

R/o : Pimpalgaon Bahula,

Tal. & Dist. Nashik.

... Applicant/Accused.

VERSUS

State of Maharashtra

Through Satpur Police Station.

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

... Respondent/State.

Appearance :

Ld. Adv. Shri. Satish Wani for Applicant/Accused.

Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.

Shri. B. V. Wagh, P.S.I. (I.O.) present.

ORDER BELOW EXH. No.1
(Delivered on 08nd March, 2022)

1. This is a second bail application filed under Section 439 of Criminal Procedure Code for grant of regular bail in C. R. No.I-11/2022 registered with the respondent Satpur Police Station for an offence punishable under Sections 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 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. Investigation is completed and on any terms and conditions the application be allowed.

4. Respondent filed their say vide Exh.4 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. 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.

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. Investigation is completed. Charge-sheet is filed in the Ld. J.M.F.C. Section 306 of the I.P.C. is not punishable with death or life imprisonment. Apprehension of respondent can be taken care by imposing conditions. No purpose will be served in keeping the applicant behind the bar, when he is otherwise entitle for bail. Filing of the Charge-sheet amounts to change in circumstances. Therefore, the application is maintainable. In the result, the application succeeds. Hence, the order.

ORDER

1. Criminal Bail Application No.271/2022 is allowed.
2. Applicant Nikhil Manik Bhavale be released on bail on his executing a personal bond of Rs.25,000/- with one or more solvent sureties in like amount to the satisfaction of the Ld. J.M.F.C.
3. Applicant Nikhil Manik Bhavale not to commit similar offence in future.
4. Applicant Nikhil Manik Bhavale not threaten and pressurize the complainant and the witnesses.
5. In the above terms, the Criminal Bail Application No.271 of 2022 stands disposed off accordingly.

Place : Nashik.
Date : 08/03/2022

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