

2. Heard. Perused the First Information Report

(F.I.R.) and the related papers of investigation.

3. The F.I.R. has been lodged by the son of the deceased on 22/3/2021. It is alleged in the F.I.R. that a sum of Rs.90,000/- was obtained as a loan from the applicant herein. The agricultural land was given as a security. The sale deed was executed in favour of the applicant. It was, however, agreed that on repayment of the loan amount with interest, the applicant shall reconvey the land. Moreover, some portion of the agricultural land Gut No.424 had been acquired for a National Highway. The amount of compensation was to be paid to the family of the informant. The applicant, however, raised an objection before the Land Acquisition Officer and stalled the payment. Pramila Bai, mother of the deceased and other family members of the informant had repeatedly requested the applicant herein to reconvey the land Gut No.424 since loan had been repaid with interest. The applicant and his son Shrikant (co-accused, on anticipatory bail) disowned the transaction. He turned away the mother of the informant. Again on 20/3/2021 by 12.00 noon, the mother of the informant had been to the grocery shop of the applicant and requested to reconvey the land. The applicant refused. The mother of the informant

consumed insecticide at the shop of the applicant. She was rushed to the hospital. She, however, breathed her last. The F.I.R., therefore, came to be lodged against the applicant and his son, alleging them to have abetted the suicide by the mother of the informant.

4. Shri P.P. More, learned counsel for the applicant would submit that, it was a transaction of absolute sale. The applicant is not a money lender. Custodial interrogation of the applicant is not warranted. Learned counsel made many more submissions. With a view to avoid repetition and since those would be reflected as part of the reasons granting this application, I do not propose to reproduce them here.

5. The learned A.P.P. would, on the other hand, submit that, a woman had to finish her life due to the conduct of the applicant. There are statements of the witnesses to suggest that it was a money lending transaction. The loan amount had already been repaid. The applicant refused to reconvey the land. The conduct of the applicant drove the deceased to commit suicide. The applicant, therefore, does not deserve to be enlarged on anticipatory bail.

6. The 7/12 extract of the agricultural land Gut No.424 stood in the name of the Motiram, grandfather of the informant. It is Motiram and not the applicant or his father who has executed a document in the nature of a sale deed, transferring 60 gunthas of land in favour of the applicant way back in February 2006. In January 2011, a correction/rectification deed in relation to the sale deed was executed between the applicant and Motiram. On acquisition of some portion of the land in Gut No.424, the amount of compensation became payable. The applicant necessarily staked claim for the amount of compensation. For over 14 years on execution of the sale deed, no dispute appears to have been raised by any of the family members of the informant. On a pointed query made by this Court, it was informed that the applicant is not a known money lender. There are no complaints against him in this regard. The documents on record indicate that it was a sale deed that was executed way back in February 2006. The vendor Motiram, grandfather of the informant has not raised any objection till date. Even if it is assumed that it was a case of money lending and the land was transferred as a security, necessarily the remedy for the family members of the informant was to approach the courts of law. The deceased

did not leave behind any suicide note. Intention/ mens rea is an essential ingredient of the offence of abetment. The alleged conduct of the applicant in consistently refusing to reconvey the land and turning away the deceased cannot be taken to be a conduct driven with the intention to drive the deceased to commit suicide. From the nature of the alleged offence, custodial interrogation of the applicant is not warranted. I am, therefore, inclined to allow the application. Hence the order : -

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with Crime No.106/2021 registered at Chakur Police Station, District Latur for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code and Section 39 of the Maharashtra Money Lending (Regulation) Act, 2014, the applicant shall be released on bail on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall appear before the investigating officer as and when required. The applicant shall not tamper with the prosecution evidence.

**(R. G. AVACHAT)
JUDGE**

fmp/-