

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2287 OF 2021

1, Ananda Krushna Salunkhe
2. Surekha Ananda Salunkhe
3. Digvijay Ananda Salunkhe

.... Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Vikas Kolekar for Applicants.

Smt. Veera Shinde, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th SEPTEMBER, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 165 of 2021 registered at Kasegaon Police Station, Sangli, on 03/09/2021, under sections 306, 504 and 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Mr. Vikas Kolekar, learned counsel for the applicants and Smt. Veera Shinde, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Shashikant Salunkhe in respect of suicide committed by his brother Ravikiran. The applicant No.1 is his

paternal uncle, applicant No.2 is wife of the applicant No.1 and applicant No.3 is son of applicant Nos.1 and 2. The F.I.R. mentions that the applicant No.1 and the informant's father were real brothers and they had their ancestral land admeasuring 2 acres at Nerle, in Gat Nos.10/1, 10/3, 11/1, 11/2, 12/11, 12/12, 32/14 and 1/1. Earlier, the applicant No.1's name was mentioned as '*Karta*' of the family. Thereafter, when the applicant No.1's father died, ideally all the heirs should have been shown as co-owners of the land, but that was not done and therefore, informant's father and grand mother had approached the Civil Court. In the trial, the decision was in favour of the informant's family. In the Appellate court, the decision was in favour of the Applicant No.1. The Appellate court's order was challenged by the informant's father in this court. That appeal is still pending. Thus, in short, there was a history of dispute and litigation between the parties. This was going on since 1997. There were earlier complaints and cross complaints between the applicant No.1 and his brother. It is alleged that the applicants used to harass the informant's family continuously. About 4 to 5 months before the incident, when the

informant had gone to village Nerle, there was again quarrel between two families. The applicant No.3 had threatened the deceased Ravikiran. At that time, the applicant No.3 was having an axe with him. However, no complaint was lodged by either of the parties. The F.I.R. mentions that, since then Ravikiran was scared. He had entertained fear of the entire dispute and he was afraid of all the applicants. It is mentioned in the F.I.R. that the informant was told by Ravikiran that the applicants used to constantly threaten him to commit his murder. On 26/08/2021, Ravikiran committed suicide by hanging himself. After that, this present F.I.R. was lodged by Ravikiran's brother i.e. the first informant Shashikant.

4. Learned counsel for the applicants submitted that, the F.I.R. is lodged belatedly on 03/09/2021 as an afterthought. He submitted that the incident which had occurred allegedly 4 to 5 months before the incident is not really supported by any complaint. The informant is not the resident of that village, therefore, he was not aware of the actual facts. He further submitted that, in any case, the offence under section 306 of IPC is

not made out and the applicants' custodial interrogation is not necessary.

5. Learned APP opposed this application. She submitted that, there is no delay in filing of the F.I.R. The informant's family had immediately approached the police on that very day i.e. on 26/08/2021. However, formal F.I.R. was registered on 03/09/2021. She submitted that the deceased was constantly harassed and it had caused him to take this extreme step.

6. I have considered these submissions. The F.I.R. itself shows that, there was a long standing dispute between two families in respect of ownership and possession of the land. Both the parties had approached various courts. So far as, earlier incident was concerned, there was no complaint made to police. The deceased himself had not approached any of the authorities for the alleged threats issued by the applicants. In any case, it would be difficult to observe that the quarrels and threats issued would fall within the meaning of 'abetment' as defined under section 107 of the IPC. Consequently, application of section 306 of IPC against the applicants is little doubtful. However, it would not

be proper to comment anything further in that respect. It remains the matter of investigation and trial. However, at this stage, based on the above observations, the applicants' custodial interrogation is certainly not necessary. They can be protected by an order of anticipatory bail. The cause title of this application shows that the applicant No.1 is 72 years of age. This is an additional factor in his favour.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 165 of 2021 registered at Kasegaon Police Station, Sangli, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)