

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

22 ANTICIPATORY BAIL APPLICATION NO.862 OF 2022
WITH APPLN/2259/2022 IN ABA/862/2022

1. GOVIND HANMANTRAO KAGNE,
2. ANUSAYA W/O GOVIND KAGNE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Ghanekar Nilesh S.
APP for Respondent-State : Ms. V. S. Choudhari.
Advocate for Informant to assist APP : Mr. Vaibhav B. Kulkarni
h/f Mr. Ashish B. Shinde.

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CORAM : S. G. MEHARE, J.
DATE : 10.08.2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP along with learned counsel Mr. Kulkarni, assisting the learned APP.

2. The applicants are the brother and sister-in-law of the deceased. The partition dispute was settled in Lok Adalat. A share was also given to the deceased in the ancestral property. The partition suit was decided before the Lok Adalat on 12.03.2022. No complaints were made while passing the award / decree before the National Lok Adalat. However, in the First Information Report, it has been alleged that on

20.04.2022, the deceased committed suicide. He has also recorded the video alleging that he is committing suicide for the reason that he worked hard and earned lot of property. However, the accounts were in the name of the applicants. The applicants were saying that the property would not be shared with anybody. Therefore, he commits suicide. He has also given the list of the properties situated at various towns and villages.

3. Learned counsel for the applicants would submit that the deceased was doing no work. He was asking the applicants to take his remaining land as he wanted to clear his loan. The deceased never complained before the incident that he had a share in the property and did the hard work as alleged by him. The voluntary compromise took place before the Lok Adalat. In a Court, he never objected that besides the property described in the suit, he has share in the other properties. Whatsoever the property as allegedly owned by the deceased is the property of the applicants. The applicants have no concern with the alleged incident. But false allegations have been levelled against them.

4. The learned APP has vehemently argued that there is a direct evidence of video recording against the applicants. The

deceased has assigned the reasons for committing suicide. The applicants did not give him his share and the applicant No.1 was claiming the exclusive ownership over the property in which the deceased had contributed. Therefore, the applicants have no case for anticipatory bail.

5. It is not in dispute that the partition dispute was resolved in the Lok Adalat. There is no material on record to show that the deceased never objected for the partition suit nor he claimed share in the property as alleged in the suicide video nor in the plaint. Be that as it may, considering the allegations levelled against the applicants, the prosecution has no material to satisfy the Court that the custodial interrogation of the applicants would serve the purpose. In view of the fact of the case, the application deserves to be allowed. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to both the applicants by the order dated 14.07.2022 is confirmed on the same terms and conditions.

(iii) Criminal Application No.2259 of 2022 is allowed.

(S. G. MEHARE, J.)

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vmk/-