

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1609 OF 2022

Anil Ratan Divte Applicant

Versus

The State of Maharashtra
and another Respondents

.....

Mr. Harshal P. Randhir, Advocate for the Applicant

Mr. A.A. Jagatkar, APP for Respondents – States

Mr. M.B. Sandanshiv, Advocate for the informant

WITH

ANTICIPATORY BAIL APPLICATION NO.1543 OF 2022

Prabhakar Bhausahab Thombare Applicant

Versus

The State of Maharashtra
and another Respondents

.....

Mr. Vijay V. Deshmukh, Advocate for the Applicant

Mr. A.A. Jagatkar, APP for Respondents – States

Mr. M.B. Sandanshiv, Advocate for the informant

WITH

ANTICIPATORY BAIL APPLICATION NO.1550 OF 2022

Sampat Shankar Mapari Applicant

Versus

The State of Maharashtra
and another Respondents

.....

Mr. Nilesh Ghanekar, Advocate for the Applicant

Mr. A.A. Jagatkar, APP for Respondents – States

Mr. M.B. Sandanshiv, Advocate for the informant

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 04th JANUARY, 2023

ORDER :

1. The applicants apprehend their arrest in connection with Crime No. 0434 of 2022 registered with Belwanti Police Station, Taluka Shrigonda, District Ahmednagar for the offence punishable under section 306 read with 34 of the Indian Penal Code.

2. FIR is lodged by Dipak Baban Mandge, father of deceased alleging that, he wanted to sell 50 *Ghutha* land standing in his name for raising money for the business. Agreement to sell was executed between him and Nasir Shaikh, resident of Dehugaon, District Pune on 15/12/2020. Applicants Sampat Mapari and Prabhakar Thombare were middlemen in the said transaction. At the time of agreement amount of Rs.2,30,000/- was given to the informant, and remaining consideration amount of Rs.18,00,000/- was to be paid within two months. On 13/10/2022, when informant, his wife and elder son Jitendra and Ravindra were at their Bakery, Ravindra told them that he will go to the agricultural land and home, and come back. Since he did not return and was not

answering the phone, his search was undertaken. He was found hanging at home. A suicide note was found in his pocket, wherein he has stated that, he was under tremendous tension as the transaction of sale of their agricultural land was not complete, and since applicant Anil Divte had given him hand loan of Rs.5,00,000/- @ interest of 3% p.m. and at that time, and at that time, two blank cheques of Rs.3,00,000/- each were given to Anil Divte and though the interest amount was regularly paid, Anil Divte was repeatedly demanding more money and was abusing the informant and his sons. Ravindra realized that Anil Divte was behind the curtain and due to him, sale transaction of the agricultural land could not be completed. As Anil Divte and other accused persons wanted to grab the land of the informant in less price, being fed up of this, Ravindra committed suicide and mentioned that the accused persons are responsible for this.

3. Heard learned advocate for the applicants, learned Additional Public Prosecutor for the State and learned advocate representing the informant. Perused the papers of the investigation.

4. *Prima facie*, it appears that ingredients of abatement as contemplated under section 107 of the Indian Penal Code are not made out in the investigation papers. Even if, it is accepted for the sake of argument, that Anil Divte was insisting for money lent by him, that cannot be said to be an instigation due to which deceased Ravindra committed suicide. Other applicants have signed agreement to sell executed by the informant as witnesses.

5. Though learned Additional Public Prosecutor tried to contend that son of applicant Sampat Mapari had applied for permission of the Collector on behalf of the informant for sale of the land, and it indicates that the accused persons were trying to grab the land of the informant at less price that itself also cannot be termed as sufficient ground to make out ingredients of abatement to commit suicide.

6. So far as applicant Anil Divte is concerned, learned Additional Public Prosecutor submits that he has not co-operated in the investigation as two cheques allegedly given by the informant to him at the time of obtaining hand loan of Rs.5,00,000/- are not handed over by him to

investigating officer. He, therefore submits that liberty may be granted to the prosecution to move for cancellation of anticipatory bail in case, Anil Divte does not co-operate in that behalf. On this, learned advocate for the applicant Anil Divte submits that as per his instructions, no such cheques are given.

7. The applicants were granted interim protection and they have attended the concerned police station and co-operated in the investigation. Nothing is to be recovered from the applicants. It appears from the investigation papers that investigation is almost complete. Pre-trial custodial detention of the applicants is not warranted in the facts of the present case.

8. The applications are, therefore, allowed by confirming the interim order.

9. Till filing of the charge-sheet, the applicants shall attend the concerned police station on every Saturday and Sunday between 10.00 a.m. and 12.00 noon and shall co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

10. Till filing of the charge-sheet, the applicants shall not enter villages Yewati and Pimpri Kodlar, Taluka Shrigonda, District Ahmednagar, but applicants shall be entitled to carry out agricultural operations of their respective agricultural lands.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane