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

**ANTICIPATORY BAIL APPLICATION NO.27 OF 2023**

Dayanand Gunderao Patil

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. Prashant R. Nangare, Advocate for the applicant  
Mr. A. V. Deshmukh, APP for respondent - State

.....

**WITH**  
**ANTICIPATORY BAIL APPLICATION NO.1760 OF 2022**

Shalini Dinkar Fattepure and Others

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....

Mr. Ganesh J. Kores, Advocate for the applicants  
Mr. A. V. Deshmukh, APP for respondent - State

.....

**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 30<sup>th</sup> JANUARY, 2023**

**ORDER :**

1. The applicants apprehend their arrest in Crime No. 593 of 2022 registered with Omerga Police Station, Omerga, District – Osmanabad for offence punishable under sections 306, 504, 506, 34 of the Indian Penal Code.

2. FIR is lodged by Dattatray Madhav Deshmukh (Lohar), alleging that on 1<sup>st</sup> August, 2001, he was in need of money for treatment of his mother, therefore, he approached money lenders Shalini Fattepure and her husband Dinkar Fattepure and they agreed to give him Rs.1,00,000/- as loan and towards security of the said loan, sale deed of his land survey No. 105/4 from Narangwadi Shivar was executed. Agreement to return the land after clearing off the loan amount was also executed. Thereafter, though the entire loan amount along with interest was repaid, however, the land was not re-conveyed. Hence, complaint was lodged to the Assistant Registrar. On 6<sup>th</sup> January, 2021, FIR was lodged against the moneylenders. Thereafter, the informant and his family members were being threatened by relatives and henchmen of the money lender. The informant and his brother, while were working in the agricultural land, the accused persons abused and threatened them. Being fed up with the harassment, his brother Digamber hanged himself on Jambhul tree in their field. Therefore, FIR is lodged against 7 accused persons named therein

3. Heard learned advocates for the applicants and the learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. Record indicates that sale deed executed in favour of the alleged money lender in the year 2001, was not questioned till 2010. For the first time, on 14<sup>th</sup> October, 2010, complaint was made to the Assistant Registrar and the same is dismissed on 30<sup>th</sup> December, 2010.

Thereafter, in the year 2014, second complaint was lodged. The applicants challenged the same by filing writ petition No. 1466 of 2020 and the second complaint is set aside by this Court vide order dated 23<sup>rd</sup> November, 2021.

5. Regular Civil Suit No. 176 of 2014 filed by the father of the informant against the money lender is dismissed for want of prosecution by order dated 16<sup>th</sup> January, 2020.

6. In the year 2021, FIR was lodged against the applicants at Crime No. 4 of 2021 for offence punishable under section 39 of the Maharashtra Money Lending (Regulation) Act, 2014. Said FIR is quashed by Division Bench of this Court vide order dated 6<sup>th</sup> December, 2021 passed in Criminal Application No. 784 of 2021.

7. Perusal of the suicide note placed on record, shows that the names of the applicants are mentioned and it states that they have hanged him. Postmortem report does not support the

contents of the suicide note.

8. In the light of above circumstances and since no ingredient of abetment under section 107 of the Indian Penal Code is made out in the present crime, the applicants deserve protection.

9. In the result, both the applications are allowed by confirming interim orders.

10. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the Investigation Officer and shall co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

**[NITIN B. SURYAWANSHI]**  
**JUDGE**