

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

ANTICIPATORY BAIL APPLICATION NO. NO. 1417 OF 2023

Amit Balasaheb Shinde ...Applicant
Versus
State Of Maharashtra ...Respondent

AND

ANTICIPATORY BAIL APPLICATION NO. NO. 1514 OF 2023

Sneha Samir Magdum ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Aniket Nikam i/by Mr.Aashish Satpute, Advocate for the
Applicant in ABA/1417/2023.

Mr. Umesh Mankapure a/w Mr. Mahesh Arjun, Advocate for
Applicant in ABA/1514/2023.

Mr. R. M. Pethe, APP for the Respondent – State.

CORAM : N. J. JAMADAR, J.
DATE : 22nd AUGUST, 2023.

PC.:

1. Heard the learned Counsel for the parties.
2. These are the applications for pre-arrest bail in connection with C.R. No. 126 of 2023 registered with Atpadi Police Station, Sangli for the offences punishable under Sections 306, 420, 506 read with 34 of the Indian Penal Code, 1860 (“The Penal Code”).
3. The applicant in Anticipatory Bail Application No. 1417 of 2023 is alleged to have acted as an agent in respect of the

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transaction for purchase of agricultural land of Ulhas Maroti Salunkhe, the co-accused, and induced the deceased to part with a sum of Rs.30 lakhs. Neither the sale-deed was executed nor the said amount was returned. The applicant and the vendor Ulhas Salunke gave threat of dire consequences, if the deceased and the first informant insisted for repayment of the said amount. The first informant alleged that on account of the harassment at the hands of the applicant and the co-accused, the deceased was made to commit suicide.

4. When the application was listed before the Court on 17th May 2023, while granting interim protection, this Court observed inter alia under:-

“4] Learned Counsel for the applicant submits that, as per the statement of complainant, the deceased had left the house on 2nd April 2023, and he was found dead on 15th April 2023. He submitted that there are no allegations which would prima facie show that there is any role attributed to the applicant with respect to the offences as alleged by the complainant. He, therefore, submitted that interim protection granted by the Sessions Court be continued.

5] I have perused the papers of the application,

accused No.3 has filed a Regular Civil Suit with respect to the monetary transaction regarding which grievance is made by the complainant. The allegation against the applicant is that he was involved as an estate agent with respect to the sale transaction of land.

5. Mr. Nikam learned Counsel for the applicant in ABA 1417 of 2023 invited attention of this Court to the plaint in Regular Suit No.172 of 2022 instituted by the vendor Ulhas Salunkhe against the deceased and the first informant. The said suit was instituted to restrain the deceased and the first informant from causing obstruction to the possession of the vendor. It is inter alia averred therein that the transaction was cancelled and the amount was repaid to the defendant therein. The said suit was instituted in the month of July 2022.

Evidently, the genesis of the alleged offences is the dispute over immovable property. The deceased allegedly left the home on 2nd April 2023. On 15th April 2023, the deceased was found to have died by suicide by hanging. In the backdrop of the nature of accusation, especially the time lag from the institution of the suit to the occurrence in question as well as the date of the deceased leaving the home and

having been found dead, a prima facie case for exercise of discretion in favour of the applicants is made out.

6. Hence, the interim orders granted by this Court on 17th May 2023 and 24th May 2023 are made absolute on the same terms and conditions.

7. In addition the applicants shall regularly attend the proceedings before the jurisdictional Court.

8. Applications stand disposed off.

(N. J. JAMADAR, J.)