

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 1439 OF 2023

Ulhas Maruti Salunkhe ...Applicant
Versus
The State of Maharashtra and Others ...Respondents

Mr. Kuldeep Patil i/b Ms. Saili N. Dhuru, for Applicant.

Mr. Shrikant H. Yadav, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 26th SEPTEMBER, 2023

ORDER.:-

1) This is an application 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 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

2) Co-accused Sneha Magdum and Amit Shinde allegedly induced the husband of the first informant to purchase agricultural land allegedly belonging to the applicant and part

with a sum of Rs.30,00,000/-. Neither the Sale-Deed was executed. Nor the said amount was returned. On the Contrary, the applicant and the co-accused gave threat of dire consequences, if the husband of the first informant and the first informant insisted on repayment of the said amount. Unable to bear the harassment at the hands of the applicant and the co-accused, the first informant alleged, her husband died by suicide.

3) Mr. Patil, the learned Counsel for the applicant, submitted that in the FIR, the first informant alleged that the amount of Rs.30,00,000/- was paid to the co-accused. The applicant had no role in the alleged inducement and harassment of the deceased. Mr. Patil would further submit that as the first informant and her husband expressed their inability to complete the transaction by paying the balance consideration, a deed of cancellation was executed, wherein the first informant and her husband acknowledged having received back the amount of Rs.30,00,000/-. Yet, the first informant and her husband threatened to forcibly establish possession over the land. Hence, the applicant was constrained to institute a Suit being RCS No. 172 of 2022 before the Civil Court at

Atpadi in the month of July, 2022 itself. Therefore, the allegations of abetment of suicide are wholly unsustainable.

4) From the perusal of the copy of the complaint in RCS No. 172 of 2022 instituted by the applicant against the deceased and the first informant, it becomes evident that the applicant had instituted the suit to restrain the deceased and first informant from causing obstruction to the possession of the vendor. It was, inter alia, averred that the transaction was cancelled and the amount was repaid to the defendants therein.

5) A copy of the cancellation deed purportedly executed on 16th November, 2021, annexed at Exhibit-E to the application indicates that the first informant and the deceased had acknowledged that the amount of Rs.30,00,000/- was refunded and they had no claim or interest in the subject land.

6) Evidently, the genesis of the alleged offences is in 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 the 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 applicant is made out.

7) It would be contextually relevant to note that the co-accused Amit and Sneha have been granted pre-arrest bail by this Court by an order dated 22nd August, 2023. Prima facie, there does not appear to be any direct or proximate act or conduct on the part of the applicant which left the deceased with no option but to commit suicide. The applicant thus deserves the exercise of discretion.

8) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No.126 of 2023, registered with Atpadi Police Station, Sangli, for the offences punishable under Sections 306, 420 and 506 read with Section 34 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall co-operate with the investigation and attend Atpadi Police Station, Sangli, on every alternate Saturday in between 10.00 am to

1.00 pm for a period of two months or till filing charge-sheet, whichever is earlier.

III) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

IV) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

V) The application stands disposed.

[N. J. JAMADAR, J.]