



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

ANTICIPATORY BAIL APPLICATION NO. 2125 OF 2023

KISAN BHAURAO DONGARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Jaydeep D. Mane, Advocate for Applicants
Mr. S.B. Jadhav, APP for Respondent – State
Mr. Bhushan Mahajan, Advocate for Informant
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 05th FEBRUARY, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.493/2023, registered with Tuljapur Police Station, Osmanabad, for offence punishable under Section 306 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Prasad Satish Kadam alleging that his father retired from M.S.R.T.C as a 'Conductor'. His father had purchased 2 Acre land in Gut No.205, situated at Tuljapur, along with his friend Kisan Bhaurao Dongare in the year 1989. The said land was developed and layout was prepared. Total 26 plots were made in the said land, out of which 25 plots were sold by Kisan Dongare, but he did not pay consideration amount falling to the share of his father. Kisan Dongare was pressurising his father to bring consent of his children for selling remaining plot. He was mentally harassing him and threatening to spoil his career. His sons Nagesh and Gururaj were also mentally harassing informant's father

Satish Kadam. Due to their harassment and pressure his father committed suicide by consuming sleeping pills.

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

4. Applicants have placed on record copies of the sale deeds of 25 plots wherein consideration amount is equally divided between father of informant namely Satish Kadam and applicant Kisan Dongare. Consideration amount is passed either by way of cheque or through RTGS.

5. Learned advocate for informant submits that it is not clear from the recitals of said sale deeds as to whom exactly consideration amount was passed.

6. There appears dispute between father of informant and applicants about sale of plots. That by itself does not mean that applicants have instigated or abetted the suicide of deceased Satish Kadam. *Prima facie*, ingredients of abetment are not made out in the present matter. Applicants are, therefore, entitled for protection.

7. In the result, application is allowed by confirming interim protection granted to applicants vide order dated 21/12/2023.

(NITIN B. SURYAWANSHI, J.)