

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

ANTICIPATORY BAIL APPLICATION NO.956 OF 2024

Ashok Sitaram Godhade @ Jadhav	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Ranjeet M. Pawar, Advocate for the Applicant.
Mr. Nitin B. Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.193/2024 registered at Daund Police Station, District – Pune on 13.3.2024 under sections 306, 323, 504, 506 of IPC.

2. Heard Mr. Ranjeet Pawar, learned counsel for the Applicant and Mr. Nitin Patil, learned APP for the Respondent-State.

3. The FIR is lodged by one Bharat Korhale in respect of the suicide committed by his brother Laxman on 12.3.2024. The FIR mentions that in January, 2021 the informant's family had decided to purchase 2 acres of land from the land owners of Gat No.206 at Kalewadi of which Nathuram Shedage, Bayadabai Kangude and Anusaya Shedage were the co-owners. The informant's family paid Rs.30 Lakhs for purchasing that land. On 18.1.2022 an agreement for sale and power of attorney in the name of the informant's wife was executed by the owners. The sale deed was to be executed subsequently. The informant's family sought permission from the Tahsildar, Daund. After that the informant came to know that one Bhagwan Khomane from their village had purchased the same land. The informant made further inquiries and came to know that an agreement for sale and power of attorney in the name of his wife were cancelled. The

informant's father then lodged FIR. On 25.1.2023. They had also filed a Civil Suit in the Court at Daund against the original owners, the subsequent purchasers and the present Applicant. There are allegations in the FIR that sixteen accused including the present Applicant were preventing the informant's family from entering into that land and they used to threaten the informant's family. On 12.3.2024 at about 6.00 p.m. the informant's brother Laxman called the informant on his mobile phone and told him that the present Applicant had some altercation with Laxman and he had assaulted Laxman. It is further mentioned in the FIR that Laxman told the informant that he was going to commit suicide. Laxman committed suicide at about 11.00 p.m. by hanging himself from a tree in the same night. He left behind a suicide note naming all the accused. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant has no concern with the land transaction between the informant's family, the original owners and the subsequent purchaser. The informant's father had lodged his

own FIR on 25.1.2023 at Yavat police station, District-Pune vide C.R. No.85/2023 under Sections 406, 420 read with 34 of IPC in respect of the same land transaction. The alleged incident of assault by the Applicant on 12.3.2024 is not mentioned in the suicide note. In any case the allegations do not make out a case of abetment as defined under Section 107 read with Section 306 of IPC.

5. Learned APP opposed these submissions and produced the investigation papers before me.

6. I have considered these submissions. I have also perused the investigation papers. The investigation papers contain the postmortem notes which show that the deceased had died due to hanging. There are statements of the family members of the informant and other villagers in respect of the land transaction. The other documents pertain to the documents in respect of that land transaction.

7. As rightly submitted by learned counsel for the Applicant, he was not concerned with the transaction between

the owners, the subsequent purchasers and the informant's family. The suicide note does not throw any light as to how the Applicant was concerned. There are general allegations that all the accused, including the Applicant, were preventing the informant's family from entering into that particular land. There is no reference to the incident dated 12.3.2024 which had taken place in the evening between the Applicant and the deceased, in the suicide note. In any case even if it is assumed that such an incident had taken place that could not be the reason for the deceased to take that extreme step and it is difficult to observe that the incident would amount to abetment to commit suicide. In this background, considering the weak nature of allegations against the present Applicant, particularly in respect of the offence punishable under Section 306 of IPC, he deserves the protection under Section 438 of Cr.P.C.. It is also not in dispute that the informant's family had taken recourse to lodging the FIR and had filed a Civil Suit in accordance with law.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.193/2024 registered at Daund Police Station, District – Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) It is made clear that all these observations are made only for the purpose of deciding this anticipatory bail application.
- (iv) The Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
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PRAKASHRAO
DESHMANE
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2024.04.15
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