

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

ANTICIPATORY BAIL APPLICATION NO. 1006 OF 2024

Balasaheb @ Balkrushna Suresh Chaudhari	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Aniket Nikam a/w. Satyajeet Mane a/w. Amit Icham for
Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 15 APRIL 2024

P.C. :

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

2. Heard Mr. Aniket Nikam, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the Respondent-State.

3. The F.I.R. is lodged by one Bharat Korhale in respect of

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the suicide committed by his brother Laxman on 12.3.2024. The F.I.R. 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 were 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 the F.I.R. 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 F.I.R. 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. It is further mentioned in the F.I.R. that Laxman told the informant that he was going to commit suicide. Laxman committed suicide at about 11.00 p.m. on 12.03.2024 by hanging himself from a tree in the same night. He left behind a suicide note naming all the accused. On this basis, the F.I.R. 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 F.I.R. 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. In any case the allegations do not make out a case of 'abetment' as defined under Section 107 read with Section 306 of I.P.C. Learned counsel for the applicant submitted that the co-accused Ashok Godhade @ Jadhav is granted anticipatory bail vide the order dated 10.04.2024 passed in A.B.A.No.956 of 2024. He claims parity.

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 evidence pertains 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.

8. As rightly submitted by the learned counsel for the applicant, principle of parity applies to the present applicant. In

fact, the present applicant's case is on a better footing than that of Ashok who is granted anticipatory bail. At least, there was some incident attributable to Ashok which had allegedly taken place on 12.03.2024. Even those allegations are not there against the present applicant.

9. 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.PC.. 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.

10. Hence, the following order :

ORDER

1. 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.

2. The Applicant shall cooperate with the investigation.
3. It is made clear that all these observations are made only for the purpose of deciding this anticipatory bail application.
4. The Application is disposed of.

(SARANG V. KOTWAL, J.)