

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

ANTICIPATORY BAIL APPLICATION NO.1092 OF 2024

Maruti Baban Shedje & Ors.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Shailesh Kharat, Advocate for Applicants.
- Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd APRIL, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.193/2024, dated 13/03/2024, registered with Daund Police Station, Pune Rural, under sections 306, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr. Shailesh Kharat, learned counsel for the Applicants and Ms. Rajeshree V. Newton, learned APP for the State.

3. The FIR is lodged by one Bharat Korhale in respect of the suicide committed by his brother Laxman on 12/03/2024. The FIR mentions that in January 2021, the informant's family had decided to purchase two acres of land from the land owners of Gat No.206 at Kalewadi of which Nathuram Shedge, Baydabai Kangude (present Applicants No.5) and Anusaya Shedge were the co-owners. The informant's family paid Rs.30 lakhs for the purchase of that land to the Applicants. One MOU was executed in respect of that transaction. On 18/01/2022, 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 family sought permission from Tahasildar, Daund. After that, the informant came to know that one Bhagwan Khomane from their village had purchased the same land. The informant came to know that the agreement for sale and the power of attorney in the name of his wife were cancelled. The informant's father lodged his FIR vide C.R.No.85/2023 at Yawat Police Station on 25/01/2023 u/s 420, 406 r/w 34 of IPC against the owners including the Applicant Baydabai and the agent i.e. the Applicant No.4

Mahesh Shedge. There are allegations in the FIR that 16 accused including the present Applicants were preventing the informant's family from entering into that land and they used to threaten the informant's family. On 12/03/2024, the informant's brother Laxman called the informant on his mobile phone and told him that he was committing suicide because of the constant harassment at the hands of the accused. He committed suicide on that date at about 11.00 p.m. by hanging himself on a tree. He left behind a suicide note naming all the accused including the present Applicants. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that this will not amount to offence u/s 306 of the IPC. If at all there was a dispute about the previous agreement and its cancellation, at the highest, it could be a civil dispute, for which a civil suit could have been filed. Though the FIR mentions that such civil suit is already filed, learned counsel for the Applicants are not aware of the filing of such suit.

5. Learned APP opposed these submissions and relied on

the investigation carried out so far. She produced the investigation papers before the Court. I have perused the same.

6. I have considered these submissions. As rightly submitted by the learned counsel for the Applicants the informant's family could have taken recourse to their legal remedies. The father of the deceased had lodged his FIR already. The Applicant No.5 was a co-owner. Besides that, no specific role is attributed to her. The Applicant No.4 was an agent. The dispute was between the informant's family and the owners. The other allegations are vague. Though, the suicide note has named the Applicants and other accused, it does not refer to any such act which would amount to abetment to commit suicide. The other co-accused Ashok Godhade and Balasaheb @ Balkrushna Chaudhari are granted anticipatory bail vide the orders dated 10/04/2024 and 15/04/2024 passed in Anticipatory Bail Application No.956 of 2024 and Anticipatory Bail Application No.1066 of 2024. Therefore, to that extent even the principles of parity apply in this case.

7. Considering this discussion, the Applicants' custodial interrogation is not necessary. It is made clear that these observations are made only for passing the order in the present application.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.193/2024, dated 13/03/2024, registered with Daund Police Station, Pune Rural, the Applicants are directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)