

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

CRIMINAL BAIL APPLICATION NO.1725 OF 2024

Sambhaji Ramchandra Khomane Applicant
versus
The State of Maharashtra Respondent

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- Ms. Neha Kokare, Advocate for Applicant.
- Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th APRIL, 2024

P.C. :

1. The Applicant is seeking his release on 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. The Applicant is arrested on 13/03/2024 and since then he is in custody. The investigation is not over and the charge-sheet is not filed.

3. Heard Ms. Neha Kokare, learned counsel for the Applicant and Ms. Rajeshree V. Newton, learned APP for the State.

4. 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 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 18/01/2022 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'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 the agreement for sale and power of attorney in the name of his wife were cancelled. The informant's father then lodged an FIR on 25/01/2023. They had also filed a Civil Suit in the Court at Daund against the original owners and the subsequent purchasers. 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 12/03/2024 at about 6.00 p.m. the informant's brother Laxman called the informant on his mobile phone and told him that he was going to commit suicide. Laxman committed suicide at about 11.00 p.m. by hanging himself on a tree. On this basis, the FIR is lodged.

5. Learned counsel for the Applicant submitted that he has no concern with the land transaction between the informant's family, the owners and the subsequent purchasers. She submitted that though the Applicant's name is mentioned in the suicide note, no particular role is attributed to him. There are only general allegations that all the accused including the present Applicant was preventing the informant from entering into that land. Learned counsel relied on the order passed in Anticipatory Bail Application No.956 of 2024 and in Anticipatory Bail Application No.1006 of 2024 passed on 15/04/2024. By those orders, the two co-accused who were almost similarly placed, were granted anticipatory bail. She claimed parity. She submitted that the prosecution case even if taken as it is, at the highest, it does not amount to abetment as

defined u/s 107 of the IPC and therefore section 306 of IPC is not made out against the present Applicant.

6. Learned APP opposed this submission. She relied on the suicide note, wherein the Applicant's name is mentioned. Learned APP could not make any submission as to how the parity could not apply in the case of the present Applicant.

7. I have considered these submissions. As rightly submitted by the learned counsel for the Applicant, even if the prosecution case is taken at its highest, sections 107 r/w 306 of IPC are not made out. There are only vague and general allegations against the present Applicant that he along with the other accused was preventing the informant's family to enter into that particular land. The Applicant is neither the land owner nor the purchaser nor even an agent in that transaction. His role is almost similar to Balasaheb @ Balkrushna Chaudhari, who was granted anticipatory bail vide the order dated 15/04/2024 in Anticipatory Bail Application No.1006 of 2024 and one more accused Ankush Shedge vide the order dated 16/04/2024 in Anticipatory Bail Application No.1025 of 2024. In fact, the

Applicant's role is lesser than that attributed to the co-accused Ashok Jadhav, who was also granted anticipatory bail in Anticipatory Bail Application No.956 of 2024. Thus, on the ground of parity also, the Applicant deserves to be released on bail. In any case, the Applicant is in custody since 13/03/2024. The investigation has progressed further. His custodial interrogation is no more necessary. The Applicant can be released on bail.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No.193/2024, dated 13/03/2024, registered with Daund Police Station, Pune Rural, 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 Bail Application is disposed of.

(SARANG V. KOTWAL, J.)