

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

ANTICIPATORY BAIL APPLICATION NO. 1252 OF 2024

YUGANDHARA
SHARAD
PATIL

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Bhagwan Ramchandra Khomane and Anr. Applicants

Versus
The State of Maharashtra Respondent

Ms. Neha R. Kokare , for the applicants.

Mr. Nitin B. Patil , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 6th MAY, 2024

P.C. :

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

2. Heard Ms. Neha Kokare, learned counsel for the Applicants 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 12/03/2024. 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 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's family sought permission from the Tahasildar office. After that, the informant came to know that the present Applicant No. 1 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 FIR vide C.R. No. 85 of 2023 at Yawat Police Station on 25/01/2023 under sections 420, 406 r/w 34 of IPC against the owners and the Agent 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 the allegations do not constitute the offence under section 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. She submitted that the owners of that particular land are granted anticipatory bail vide the order dated 22/04/2024 passed in ABA No. 1092 of 2024. She submitted that the Applicant No. 1 is a subsequent bonafide purchaser and therefore he cannot be attributed a higher role than

that of the original owners. The Applicant Sandip was not concerned with either of these allegations. She claimed parity for a similar relief.

5. Learned APP opposed these submissions and relied on the allegations in the FIR. He submitted that the deceased was driven to commit suicide because of the acts of all the accused.

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 in connection with the land transaction. The co-owners of the land are granted protection under section 438 of Cr. P.C. vide the order dated 22/04/2024 in ABA No. 1092 /2024. The principles of parity will definitely apply in the present case. The Applicant No. 1 is a subsequent purchaser and Applicant No. 2 has no connection with either of these land transactions. The allegations even if taken at the highest against the Applicants, do not amount

to abetment as defined under section 107 r/w section 306 of the I.P.C. Therefore, the Applicants' custodial interrogation in this case is not necessary. They can be protected under section 438 of Cr.P.C.

7. Hence, the following order:

ORDER

- (i) In the event of their arrest in connection with C.R No. 193 of 2024 registered at Daund Police Station, Pune, the Applicants are directed to be released on bail on their executing P.R. bond in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) 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 co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

