



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 81 OF 2025

1. SHAILAJA BALASAHEB BUDRUK
2. BALASAHEB SADASHIV BUDRUK

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

WITH

CRIMINAL APPEAL NO. 88 OF 2025

GANESH BALASAHEB BUDRUK

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellants : Mr. Rahul R. Karpe.
APP for Respondent/s-State : Mrs. Chaitali Choudhari Kutti.
Advocate for Respondent No.3 : Mr. Shahane Manish Arun.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 01.04.2025

PER COURT :-

1. These appeals are preferred against the orders of rejection of pre-arrest bail in respect of Crime No.510 of 2024, registered with Dharashiv City Police Station, District Dharashiv for the offences punishable under Section 306 read with Section 34 of IPC and Section 3(2), 3(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Appellant Ganesh is the son of appellant Shailaja. It is alleged against them that informant's husband had entered

into transaction of sale of land with the appellants for amount of Rs.1,20,00,000/-. Out of that, Rs.55,00,000/- was paid but remaining amount of Rs.65,00,000/- remained to be paid, though conveyance was registered. The deceased was demanding the balance amount which was dodged by the appellant persistently. The deceased was found in hanging position on 08.05.2024 and a suicide note was also recovered. After 08.05.2024 also informant and her son requested the appellants to pay the balance, but that was flatly refused. Then, the informant rushed to the Police Station and lodged report on 10.12.2024.

3. Learned counsel for the appellants submits that first information report is belatedly registered when incident occurred on 08.05.2024. It is submitted that no ingredient of offence under Section 306 are made out from reading the FIR as it is. It is submitted that the deceased was not exclusive owner of the land in question and first information report lacks the better particulars about the transaction alleged against the appellants. It is submitted that the transaction between the parties was that of registered agreement dated 31.08.2019 and registered sale deed dated 02.11.2020. Another transaction between the parties was that of sale deed dated 02.11.2020.

By these two sale deeds, 8000 sq.mtrs. and 4000 sq.mtrs. of plots of Survey No.716 were alienated by two entities namely M/s Pradnyashil Tecnoweaves Pvt. Ltd. and Mr. Sambhaji Uddhav Kamble in favour of M/s. Mangalam Banquets LLP.

4. It is vehemently contended that there was no transaction involving Rs.1,20,00,000/- and the entire contents of FIR are false. It is further submitted that suicide note also does not disclose any incriminating role to attract Section 306. The informant is taking disadvantage of the caste and the appellants are being falsely implicated.

5. Learned APP relies on the affidavit-in-reply and the police papers. She would submit that the appellants dodged to pay the balance amount. The deceased had no alternative than to commit suicide. She would also rely on the suicide note. It is informed that the informant refused for recording statement under Section 164 of Cr.P.C.

6. Interestingly, respondent No.3 is supporting the appellants and affidavit to that effect is filed on record.

7. After considering the first information report, I do not find that offence under Section 306 is made out. Considering the allegations, the proximity of demands and suicide, I find

that the appellants have been falsely implicated in the offence. In the absence of mens rea, the allegations are not sufficient to attract under Section 306 of IPC. Considering the suicide note and the allegations, it cannot be inferred that the deceased had no alternative than to commit suicide.

8. I have also gone through the sale transaction which is placed on record by the appellants. A registered agreement was executed on 31.08.2019 in respect of 8000 sq.mtr. land from survey No.716. Thereafter, registered sale deed was executed on 02.11.2020 for Rs.40,00,000/-. Another sale deed was executed on 02.11.2020, on the same day, to the extent of 4000 sq.mtr. for Rs.20,00,000/-. In both the transactions, informant cannot be said to be the exclusive owner. The appellants were not the purchaser, but it was M/s. Mangalam Banquets LLP. Therefore, I find substance in the submission of the learned counsel for the appellants that there is absolutely no material to suggest that some transaction was entered into for Rs.1,20,00,000/- and amount of Rs.65,00,000/- remained to be paid.

9. Considering the material on record and the allegations levelled against the appellants, they deserve anticipatory bail.

Both the impugned orders are liable to be quashed and set aside. I, therefore, pass the following order :

ORDER

- (i) Criminal appeals are allowed by quashing and setting aside the impugned orders.
- (ii) The appellants shall be released on anticipatory bail in case of their arrest in furtherance of offence bearing Crime No.510 of 2024 on furnishing PR. Bond of Rs.30,000/- each with one solvent surety of like amount each on following conditions :
 - (a) Appellants shall co-operate the Investigating Officer and shall remain present as and when required by the Investigating Officer.
 - (b) The appellants shall not contact the prosecution witnesses or tamper with the prosecution evidence.

(SHAILESH P. BRAHME, J.)

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vmk/-