



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

939 ANTICIPATORY BAIL APPLICATION NO.1320 OF 2025

Manju Alias Sunil Baban Waykar

..Applicant

Versus

The State of Maharashtra

..Respondent

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Shri. Shaikh Mazhar A. Jahagirdar, Advocate for the Applicant

Shri. G. A. Kulkarni, APP for the Respondent – State.

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CORAM : NEERAJ P DHOTE, J.

Reserved on : OCTOBER 09, 2025

Pronounced on : OCTOBER 13, 2025

ORDER :-

. This is the Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for Anticipatory Bail in Crime No.0250/2025 registered with Rahata Police Station, Dist. Ahilyanagar on 17.06.2025 for the offence punishable under Sections 108, 115(2), 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Sections 39, 44, 45 of the Maharashtra Money Lending (Regulation) Act, 2014 (for short, 'MMLR Act').

2. The aforesaid Crime is registered on the Report lodged by the Brother of the Deceased Mahindra against the Applicant and two (2) Others. It is the case of the Prosecution that, the Deceased used to sell the vegetables in the Vaijapur market. Their Father Bhausahab was having agricultural land admeasuring 4 Acres, 26 Gunthas. The said

land was cultivated by all of them. As they were in need of money, the Deceased borrowed sum of Rs.2,00,000/- (Rs. Two Lakh) from the Applicant on interest. The Applicant used to demand the said amount with interest and asked the Deceased to pay the amount with interest or transfer the land in his name and used to abuse and beat the Deceased. Therefore, the Deceased executed the document in respect of 1 (one) Acre and 5 (five) Gunthas agricultural land in the nature of the Sale-deed in favour of the Applicant. It was decided that, after the money was repaid, the land would be reconveyed to the Deceased. The Applicant was demanding exorbitant amount from the Deceased to the tune of Rs.11,00,000/- (Rs. Eleven Lakh) on 16.06.2025. Eventually, the Deceased committed suicide by hanging. On 17.06.2025 the Police found the suicide note, in which the Applicant was held responsible for the suicidal death and consequently, Crime came to be registered.

3. It is submitted by the learned Advocate for the Applicant that, there are no elements of instigation or abatement to suicide in the matter and, therefore, the offence punishable under Section 108 of the B.N.S. will not be attracted. He submitted that, on the basis of one transaction, no action under the MMLR Act was permissible. The Applicant is ready to co-operate with the investigating machinery, and considering the nature of the accusations, the Anticipatory Bail be granted. In support of his submissions, he relied on the Judgments in *Mahendra Awase vs. State of Madhya Pradesh*, (2025) 4 SCC 801, and

Ratnabai Ratu Bheemashankar Chitte vs. State of Maharashtra through Murum Police Station and Others, 2024 SCC OnLine Bom 3291.

4. The Application is opposed by the learned APP for the State. He submitted that, the object of enacting the MMLR Act was to curb the harassment of the debt-ridden farmers at the hands of the money lenders. The said Act was enacted to curb activities like one in which the Applicant is involved. He submitted that, the suicide note clearly shows that, the Applicant was responsible for the suicide. The investigation indicates seizure of certain documents in the house search of the Applicant, such as, bond papers, 7/12 extracts of other agriculturists etc., which indicate that, the Applicant was indulging in the money lending activity contrary to the provisions of the MMLR Act. He relied on the Judgment in *Abhinav Mohan Delkar vs. The State of Maharashtra & Ors, 2025 LiveLaw (SC) 812.*

5. As far as the offence for abatement to suicide is concerned, the law is well settled in the Judgment of *Abhinav (supra)*, wherein it is observed that, *‘to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one’s life.’* In *Mahendra (supra)*, it is observed that, *‘over the last several decades, it was repeatedly reiterated*

that the higher threshold, mandated by law for Section 306 IPC [Now Section 108 read with Section 45 of the Bharatiya Nyaya Sanhita, 2023] to be attracted and the conduct of the proposed accused and the deceased, their interactions and conversations preceding the unfortunate death of the deceased should be approached from a practical point of view and not divorced from day-to-day realities of life’.

6. The F.I.R. speaks of borrowing money by the Deceased from the Applicant. The death is suicidal. The suicide note is left behind by the Deceased, wherein it is mentioned that, *‘the Deceased borrowed Rs. 2,00,000/- (Rs. Two Lakh) from the Applicant which went up to Rs.11,00,000/- (Rs. Eleven Lakh) with interest, the Applicant beat the Deceased, the Deceased sold the land to the Applicant, the Deceased paid Rs.11,00,000/- (Rs. Eleven Lakh) in installments, however, the Applicant did not return the land and the Applicant threatened that he would send the boys to beat the Deceased and therefore, he committed suicide. Government is requested to do the enquiry of the Applicant, and two have committed suicide prior to this’.*

7. Even if it is considered that the essential ingredients required to attract the Act of abatement of suicide are absent in the Prosecution’s case, *prima facie* it is clear from the suicide note that, the death is *prima facie* connected to the financial transaction between the Deceased and the Applicant, which, according to the Prosecution and clear from the suicide was the loan transaction. There is copy of the sale-deed in

favour of the Applicant by the Deceased and father of Deceased in respect of part of agricultural land out of the Gat No.191. The Police papers show that, in the house search of the Applicant, apart from the personal documents of the Applicant, 7/12 extracts of the agricultural lands in the name of the other persons, the bond papers and other documents were seized. The said documents in the nature of bonds and 7/12 extracts in the name of the other persons found in the possession of the Applicant lend *prima facie* support the Prosecution's case in respect of the offence under provisions of MMLR Act. The Police Report shows that, one previous Crime bearing No.397/2024 was registered with Rahata Police Station against the Applicant for the offence punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code and 4/25 (Act not mentioned).

8. Considering the nature of offence and the above discussed aspects of the matter, in my view, this is not the fit case to grant protection under Section 482 of the BNSS and hence, the following order.

ORDER

(i) The Application is rejected.

(NEERAJ P. DHOTE, J.)

GGP