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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

911 ANTICIPATORY BAIL APPLICATION NO. 1867 OF 2024

Balu @ Babasaheb Murlidhar Doke

VERSUS

The State Of Maharashtra And Another

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Mr. Abijit S. More, Advocate for Applicant

Mr. S.K. Shirse, APP for Respondents - State

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CORAM : HITEN S. VENEGAVKAR, J.

DATE : 30 SEPTEMBER, 2025

PER COURT :-

1. Heard both the sides.
2. The application by the present applicant apprehends arrest in connection with Crime No. 0181 of 2023 registered with Jamkhed Police Station, District Ahmednagar for offence Punishable under Sections 306, read with Section 34 of the Indian Penal Code [IPC] and under Sections 39 and 45 of the Maharashtra Money Lending (Regulation) Act.
3. The allegations in the FIR against the present applicant and co-accused pertains to a land transaction between the deceased Balu Hapte and accused Baba Muralidhar Doke and Chhagan Mandalke, from whom the deceased seems to have taken loan of Rs.1,00,000/- and Rs.50,000/- respectively. It is alleged that against said loan, the accused Baba Muralidhar Doke has taken mortgage of 22 gunthas of

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land from the deceased. It is further alleged that due to consistent demand of interest amount and principal amount by the Chhagan Mandalke and Baba Muralidhar Doke, the deceased was under mental stress and due to that he committed suicide on 28.04.2023. The informant in the present FIR is the brother of the said deceased.

4. The learned advocate has placed on record order dated 06.12.2023 passed by this court in ABA/1340/2023 granting pre-arrest bail to co-accused Chhagan Bhagwan Mandalke and another. He submits that the role of Chhagan Bhagwan Mandalke is much more grievous than the alleged role of the present applicant. He also submitted that the allegations taken on the face of the FIR does not disclose ingredients required under section 306 of Indian Penal Code. There is no specific role attributed to the present applicant, and therefore, he seeks pre-arrest bail of the applicant on the merits as well as on the ground of parity.

6. Learned APP opposes the application. He submits that there is a suicide note left behind by the deceased Balu Hapte, wherein the present applicant has been specifically named. After reading the contents of the said suicide note, he argued that the alleged offence is serious and the manner the FIR under investigation as a charge-sheet has not been filed. He disputes the fact that parity applies between the

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co-accused Chhagan Bhagwan Mandalke and the present applicant. He thus prays for rejection of bail.

7. I have perused the suicide note which was read out by the learned APP. As far as the present applicant is concerned, there is absolutely no allegation pertaining to he being responsible for instigating or abetting the suicide of deceased Balu Haptai. The suicide note merely mentions that some portion of the land which was with the present applicant should be given to the son of the deceased. I have also perused the order dated 0.12.2023 passed by this court in respect of Chhagan Bhagwan Mandalke and another. I agree with the submissions made by the present applicant's advocate that the role ascribed to Chhagan Mandalke is more serious than the role referred against the present applicant. In my view, therefore, law of parity applies and hence the application deserves to be granted pre-arrest bail.

8. The record suggests that the applicant was granted interim relief on 25.10.2024 by this Court and while granting the same, this court was directed the applicant to attend the concerned Police Station once in a week and certain other conditions were also imposed. There is no material produced before this Court that condition No. (ii) of the said order of attending Police Station has been flouted by the present applicant.

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9. In light of the above, the application is allowed, and the interim protection granted to the applicant by order dated 25.10.2025 stands confirmed on the same terms and conditions.

**[ HITEN S. VENEGAVKAR ]**  
**JUDGE**

S P Rane