

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.869 OF 2015**

Rajendra Manikrao Waghmode & Ors.

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr.R.V. Bansode for the Applicants

Mr.S.S. Pednekar, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 31, 2015**

**P.C.:**

1. This application is filed for pre-arrest bail as the applicants are apprehending arrest in C.R. No.51 of of 2015 registered with the Malshiras police station, Solapur for the offences punishable under sections 143, 147, 149, 447, 327, 427, 504 and 506 of the Indian Penal Code.

2. One Ajay Sahebrao Patil gave information to the police on 7.6.2015 that the applicants/accused and the complainant had dispute over a property i.e., 4 rooms near a school. On 6.6.2015, the applicants/accused arrived with Pokland machine and started work of digging infront of the school with that machine. The complainant asked them to stop work, however, they did not. So he gave information to the police. The complainant found that an amount of Rs.170,000/- which he had kept in a cupboard in one of the rooms was taken away by the applicants/accused.

Hence, the offence was registered. The police did not register the offence of theft but registered the offence under section 327 of the Indian Penal Code.

3. The learned Counsel for the applicant/accused submitted that the applicants/accused have not committed any offence. The complainant and the applicants..a re cousins and the property is also partitioned. This is a civil matter.

4. The learned Prosecutor has opposed the application and informed the Court that the police have issued notices to the complainant to explain from where the amount of Rs.170,000/- he has collected as he claims theft of the same.

5. Perused the FIR. Section 327 of the Indian Penal Code is the only non-bailable section invoked against the applicants/accused. However, since the dispute appears to be between cousins and in view of the submissions of the learned Counsel for the parties, I am inclined to grant pre-arrest bail on the following conditions:

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two solvent sureties in the like amount;
- ii) The applicants shall not tamper with the evidence;

iii) The applicants shall not indulge into any kind of offence while on bail;

iv) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Tuesday, between 4 pm to 6 pm, till filing of chargesheet.

**(MRS.MRIDULA BHATKAR, J.)**