

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.528 OF 2016

Sadanand Ravte & Ors ... Applicants

V/s.

The State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.482 OF 2016

Raju Narayan Chaudhari & Anr. ... **Applicants**

V/s.

The State of Maharashtra ... Respondent

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Mr.S.V.Marwadi I/b. Kartik S. Garg, Advocate for the Applicants.

Mr.S.H.Yadav, APP for the Respondent/State.

Mr. Jaywant N. Bidwai (ASI), Boisar Police Station present in person.

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CORAM : P. N. DESHMUKH J.

DATED : 7th JUNE 2016.

P.C.

1. Heard the learned counsel for the parties. As the applications hereby are arising out of the same crime, they are disposed of by common order. The applicants have sought anticipatory bail in Crime No.I-270 of 2015 registered by Boisar Police Station for the offences punishable under Sections 436, 452,

143, 147, 148, 149 and 420 of the Indian Penal Code. The applicants are protected by interim order of this Court dated 16/03/2016 and 22/03/2016. Admittedly, the applicants, as per the directions issued by this Court, has attended the Investigating Officer from the date of interim protection.

2. Having considered the facts of this case, it is revealed that the offence is registered on the basis of report lodged by one Dilawar Lakhani, who is owner of land Gat No.84 of village Kalhale and has erected compound over the said piece of land. He received information that on 11/12/2015 at about 11.00 a.m. mob of persons belonging to Adivasi Ekta Parishad are likely to come for removal of said compound and has accordingly informed this fact to Boisar Police Station. According to the case of informant, on 11/12/2012, in the night hours, applicants along with 200 to 250 other persons came to his land and caused damage to his plantation and set one shed constructed by him on the said piece of land on fire, thus.

3. According to the learned counsel for the applicant, there is nothing to establish involvement of applicant on record and in fact has placed on record the documents thereby demonstrating that the wall erected by complaint was causing hurdle to the residents of village. They were required to walk down for the distance of 10 to 11 kms. due the illegal construction

of compound erected by informant for protection of his plantation. From the documents filed in support of the application, it reveals that prior to incident, which has occurred on 11/12/2016, residents of village *Lombadpada* had entered into the correspondence with the Sarpanch, Deputy Sarpanch, Gramvikas Adhikari and other authorities of Grampanchayat Man, Tal.Palghar, Dist.Palghar complaining about closure of their walk way by the informant. From one of the documents, it is also revealed that said correspondence was entered by the residents of village after resolving to that effect in local grampanchayat. It is further found that construction of compound wall erected by informant was also without any authority or consent granted by the Grampanchayat.

4. The learned Additional Public Prosecutor has opposed the application on the ground that name of applicants are revealed by one of the witness whose statement is said to have been recorded immediately after the incident. There are no statement of any other witness involving applicants. Even otherwise, it is the case of the prosecution that the incident occurred when mob of about 200 to 250 persons were present at the spot. In that view of the matter, there appears to be no sufficient ground available to reject the application. Moreover, it is further pointed out that in spite of directions to applicants by this Court on 22/03/2016, to attend the concerned trial Court for the purpose of investigation

between 6.00 p.m. to 7.00 p.m., the learned APP, on instructions, makes statement that though investigation has been carried out with reference to letter issued by the applicants to the Investigating Officer stating therein that at the time of incident they were not present on the spot and, in fact, was somewhere on the Nashik Road. No satisfactory explanation is on record as to what prevented the Investigating Agency not to verify this aspect.

5. Having considered the facts, as aforesaid, and the nature of involvement of applicants, as herein stated above, the applications are liable to be allowed as per order below.

6. Interim order dated 16/03/2016 in Anticipatory Bail Application No.484 of 2016 and 22/03/2016 in Anticipatory Bail Application No.528 of 2016 are confirmed on same terms and conditions, except for modifying the condition imposed upon the applicants to attend concerned police station on every Friday to the effect that applicants shall attend the Investigating Officer, as and when called.

7. Both the applications are disposed of, as allowed.

(P. N. DESHMUKH J.)