

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 467 OF 2017

1. Rajendra Vitthal Aawale
2. Anil Santram Avghade
3. Suraj Anil Avghade
4. Suresh @ Aba Jagu Avghade ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr. Siddheshwar B. Kalel, Advocate for the Applicant.

Mr. Rajan Salvi, APP for Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 16th March, 2017.

P.C.:

This Application is moved for pre-arrest bail, as the applicants/accused apprehend arrest in C.R. No. 14 of 2017 registered with Dahiwadi Police Station, District Satara for the offences punishable under sections 436, 504, 506 r/w. 34 of the Indian Penal Code.

2. It is the case of the prosecution that the families of the applicants/accused and complainant Sudam Jaysingh Khude are on inimical terms on account of access and water. On the night intervening 14th January and 15th January, 2017 at around 1.30 a.m.

the complainant heard the stray dogs barking and therefore, he woke up and came out. At that time, he found that rear side portion of his residential house was set on fire. He also noticed that four persons were running away from the spot and on focusing the torch light on their face, he could identity them as applicants/accused. When he questioned them why they set the house on fire, they threatened him to set on fire and thereafter fled away. He told his family members to come out of the house and also took out his animals and thereafter tried to extinguish the fire. However, the rear portion of the house, cattle fodder and other domestic goods were burnt and he suffered loss of Rs.70,000/-. Hence, the complainant gave complaint against the applicants/accused on 15th January, 2017 at around 11 a.m. and the offences was registered.

3. The learned counsel for the applicants/accused has submitted that there were dispute between the applicants/accused and the complainant, therefore, the complainant has falsely implicated the applicants/accused. The learned counsel further submitted that interim protection was granted to the applicants/accused by the learned Sessions Judge. He further submitted that applicants/accused are innocent and they be granted pre-arrest bail.

4. Learned APP opposed the Anticipatory Bail Application and pointed out the observations made by the learned Sessions Judge that the house of the complainant was completely burnt.

5. Perused the FIR and the order passed by the learned Sessions Judge. It shows that the house of the complainant was burnt. There was dispute and previous enmity between the families of applicants/accused and complainant and so *prima facie* it was a motive for the applicants/accused to burn the house of the complainant. Hence, Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)