

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1896 OF 2018

Sainath Eknath Dhamdhere ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Vishal L. Kolekar for Applicant.

Ms. J. S. Lohokare, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 7, 2019.

P.C. :

. In Crime No. 163 of 2018 punishable under Sections 307, 143, 147, 149, 323, 504 & 506 of the Indian Penal Code, the Applicant is seeking pre-arrest bail.

2. According to the learned Counsel for Applicant, at the behest of present Applicant Crime No. 164 of 2018 is registered against the complainant and his family members. He would then urge that the dispute in question is having colour of a civil proceedings and in view of differences over the sharing of field boundaries the Applicant is falsely

implicated in the crime in question. He would also draw the support from the Settlement Deed which is produced on record claimed to have been executed on August 10, 1992.

3. *Per contra*, the learned APP opposed the claim and submits that there is strong evidence available against the Applicant.

4. Upon perusal of the FIR and the order passed by the Court below what is noticed is, the Applicant is named as an accused with a specific role. The role with which the Applicant is named in the FIR appears to be aggressive and serious one. It is the Applicant, who was leading group of accused persons in the crime in question.

5. Merely because there existed boundary dispute or there was a Settlement Deed of the year 1992, that does not absolve the present Applicant of the offence in question, particularly when there is material to infer his direct involvement in the crime in question.

6. That being so, the Application lacks merit. Hence dismissed.

(NITIN W. SAMBRE, J.)