

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1081 OF 2020

1. Ravi Madhukar Chandane
Age : 32 years, Occ. Labour,
2. Vishal @ Vikky Madhukar Chandne,
Age 27 years, Occ. Labour

Both r/o. Harshanagar,
Labour Colony, Aurangabad

..Applicants

Vs.

The State of Maharashtra

..Respondent

Mr.A.K.Bhosale, Advocate for applicants
Mrs.V.N.Patil-Jadhav, APP for respondent
Mr.N.S.Ghanekar, Advocate assisting the A.P.P.

**CORAM : R.G. AVACHAT, J.
(Vacation Court)
DATE : NOVEMBER 13, 2020**

PER COURT :-

This is an application for anticipatory bail.
The applicants claim to have apprehension of arrest in
connection with Crime No.523 of 2020 registered with
City Chowk Police Station, Aurangabad, for the offences

punishable under Sections 452, 427, 448, 506 read with Section 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report ("FIR", for short) and the related papers.

3. The FIR has been lodged on 08.10.2020 in relation to the incident dated 19.09.2020. It is alleged in the FIR that the father of the informant had been in service of Public Works Department (P.W.D.) at Aurangabad. He retired from service in the year 2000. The Government quarter – S.R.T.42, Vishwas Nagar, Labour Colony, Aurangabad, was in the name of the informant's father. The father passed away in July, 2020. On demise of the father, the quarter is stated to have been recorded in the name of the informant by virtue of succession.

4. It is alleged that on 19.09.2020 at about 05.00 a.m., both the applicants entered said premises of the informant. The applicants dismantled the tin-sheets of the compound so as to secure entrance

in the house. Both the applicants broke open the lock of the said residence and unauthorisedly took possession thereof.

5. Mr.Ghanekar, learned counsel appears for the informant. He and learned APP would submit that the applicants have criminal antecedents. They have unauthorisedly taken into possession the premises of the informant. Some photographs were produced on record to show that on the open land adjacent to the residence of the informant, the applicants set up a well built kiosk. The land thereunder was in possession of the informant.

6. Mr.Bhosale, learned counsel for the applicants, would, on the other hand, submit that the applicants are, in no way, concerned with the residential quarter – S.R.T.42, Vishwas Nagar, Labour Colony. They denied to have committed encroachment and constructed the kiosk.

7. At this stage, I called upon Mr.Bhosale, learned counsel for the applicants, whether he is ready to submit his submissions on affidavit of the applicants. He readily agreed. Mr.Ghanekar, learned counsel for the informant, is satisfied therewith.

8. In view of the above, the application is allowed in terms of the following order:-

(i) In the event of arrest in connection with Crime No.523 of 2020 registered with City Chowk Police Station, Aurangabad, for the offences punishable under Sections 452, 427, 448, 506 read with Section 34 of the Indian Penal Code, the applicants be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required by the Investigating Officer.

(iii) Both the applicants shall state on affidavit that they are neither in possession of the Government Quarter – S.R.T.42, Vishwas Nagar, Labour Colony, Aurangabad, nor anyone through them is in possession thereof. They shall further state on affidavit that the construction of the shop/kiosk appearing in the photographs, allegedly made on the open land adjacent to the residential quarter is, in no way, related to them and they have no right, title and interest therein.

(iv) The affidavit in the aforesaid terms shall be filed in this Court on or before 17.11.2020.

(v) Filing of such affidavit is the condition precedent for operation of the order granting the applicants anticipatory bail.

[R.G. AVACHAT, J.]