

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 ANTICIPATORY BAIL APPLICATION NO.114 OF 2021

1]KRUSHNA BHASKAR KENDRE
2]MUDRIKA W/O BHASKAR KENDRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Dhage Vaibhav B.
APP for Respondents: Smt.R.P.Gaur
...

CORAM : MANGESH S. PATIL, J.
DATE : 25.02.2021

PC. :-

Apprehending their arrest in connection with Crime No.243/2020 registered with Malakoli Police Station, Dist.Nanded for the offences punishable under Section 379 read with Section 34 of the I.P.C. the applicants are seeking bail under Section 438 of the Cr.PC.

2] The F.I.R. has been lodged by the uncle of the applicant no.1 suspecting that the electric pump fitted by him in his field was stolen by the applicants.

3] Heard both the sides and perused the papers of the investigation.

4] *Prima facie*, except mere suspicion being entertained by the informant, there is no material to justify such suspicion.

5] True it is that some sort of civil dispute is going on between the applicants and the informant, however, that *ipso facto* would not be sufficient to be looked upon as a corroborating circumstance for entertaining the suspicion.

6] Considering the aforementioned state of affairs, the applicants cannot be allowed to be arrested, without assurance of bail. Instead they can be put to certain conditions which would enable the Investigating Officer to complete the investigation.

7] The Application is allowed.

8] The ad-interim relief granted by order dated 5/2/2021 stands confirmed with the same terms and conditions with a modification that they shall attend the concerned Police Station for 2 consecutive Saturdays starting from 27/2/2021 between 3 p.m. and 5 p.m. and shall cooperate the Investigating Officer.

[MANGESH S. PATIL, J.]

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