

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

**ANTICIPATORY BAIL APPLICATION NO. 425 OF 2021**

1. Sahebrao Bhimrao Shinde,  
Age : 50 years, Occu. Agri.
2. Balu @ Nageshwar Sahebrao Shinde,  
Age : 21 years, Occu. Agri.,  
Both R/o. Sonari, Tq. Newasa,  
Dist. Ahmednagar.

**...Applicants**

**Versus**

The State of Maharashtra

**...Respondent**

.....  
Mr. Satej S. Jadhav, Advocate for the applicants  
Mr. V. S. Badakh, APP for respondent / State  
.....

**CORAM : V. G. BISHT, J.  
DATED : 27<sup>th</sup> August, 2021**

**PER COURT : -**

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0060 of 2021, registered with Sonai Police Station, Tq. Newasa, District Ahmednagar, for the offences punishable under Sections 436, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Informant is the son-in-law of applicant no. 1 while applicant no. 2 is the brother-in-law. The daughter of applicant no. 1 is the wife of the informant. On 17.02.2021, the informant had been to meet his wife. Both the applicants confronted him and asked where was he all these days and then allegedly abused and slapped. They also threatened him that they would see as to how he resides there.

3. Prosecution alleges that on 18.02.2021 at about 01:30 am while the informant and his mother were asleep, the informant got up all of a sudden and found that there was a fire on the back side of his hut. While he was searching for water to extinguish the fire, he saw the applicants running away on the motorcycle. Because of the incident of burning, the informant suffered substantial loss of household articles.

4. Mr. Satej Jadhav, learned Counsel for the applicants, submitted that the FIR came to be filed against the applicants only on the ground of suspicion. There are no criminal antecedents and they are ready to abide by any condition, which this Court may impose upon them.

5. Mr. V. S. Badakh, learned APP, on the other hand, fairly submitted that although the investigation is in progress, at the same time nothing concrete has been collected against the present applicants and, therefore, in the circumstances, suitable order may be passed.

6. A bare reading of the FIR would show that the informant had not seen personally the applicants setting the hut on fire. He only saw the applicants running away on the motorcycle and nothing else. It is also clear from the FIR that as the applicants had threatened the informant and only on suspecting them to be behind the incident of setting his hut on fire, he filed the FIR against the present applicants.

7. In view of the above facts and circumstances of the case and the fact that *prima facie* evidence of the complicity of the applicants is not forthcoming, I am inclined to allow the application. Hence, the following order.

### **ORDER**

- i. The application is allowed.
- ii. In the event of arrest of the applicants herein in connection with Crime No. 0060 of 2021, registered with Sonai Police Station, District Ahmednagar, for the

offences punishable under Sections 436, 323, 504, 506 r/w 34 of the Indian Penal Code, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand only] each, with one or two solvent sureties in the like amount.

- iii. The applicants shall attend the concerned police station as and when called and shall cooperate with the police in the investigation.

**[ V. G. BISHT ]**  
**JUDGE**