

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

20 ANTICIPATORY BAIL APPLICATION NO.642 OF 2021

**SURJYA BOTA @ BOTYA VASAVE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr.G.D. Jain, Advocate for the applicants.
Mr.A.V. Deshmukh, APP for the respondent/State.

**CORAM : SANDEEP K. SHINDE, J.
DATED : 28.07.2021**

PC :-

01. The applicants - cousin brothers of the complainant are seeking pre-arrest bail in connection with Crime No.225 of 2021 registered with Molgi Police Station, Nandurbar for offences punishable under sections 436, 143, 448, 147, 429, 427, 504 and 506 of the Indian Penal Code.

02. Two civil suits between the parties seeking partition are pending in the Civil Court. In a suit instituted by brother of the complainant, temporary injunction order was passed by the Trial Court on 18th March, 2021. In the backdrop of these facts, it is complainant's case that the applicants being members of unlawful assembly, in prosecution of their common object, caused mischief by fire and destroyed hut that was on Gat

No.182. On this expression subject crime came to be registered against the applicants. The FIR attributes specific rule to applicant No.4 for causing mischief by fire to hut. Although the FIR suggests presence of other applicants on the spot of incident, but no overtact has been attributed to them for causing mischief to the property of the complainant.

03. In consideration of these facts, in my view, custodial interrogation of applicants, except applicant No.4, may not further the prosecution case.

04. In the result, Anticipatory Bail Application of applicant No.4-Samsing Ditya Vasave is rejected.

05. In the event of arrest, all applicants, except applicant No.4, shall be released on bail on executing bond in the sum of Rs.10,000/- (Rupees Ten Thousand) each with one or more sureties in like amount. All applicants, except applicant No.4, shall file an undertaking in this Court, within a week, that they shall not indulge into similar acts in future. The applicants, except applicant No.4, shall report to the Investigating Officer, as and when called.

(3)

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06. The Anticipatory Bail Application is partly allowed and disposed of in aforesaid terms.

[SANDEEP K. SHINDE,J.]

snk/2021/JUL21/aba642.21