

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

901 BAIL APPLICATION NO.713 OF 2021

BAHADURSING SURJYA VASAVE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Jain Gajendra Devichand
APP for Respondents/State : Mr. S.D. Ghayal
...

CORAM : M.G. SEWLIKAR, J.
DATE : 26th August, 2021

PC.:-

This is an application under Section 439 of the Cr.P.C. for releasing the applicant on bail.

2. Facts leading to this application are that a civil suit is pending between the informant and the applicant and other accused. It is alleged in the FIR that on 22.05.2021 at 11.30 am to 12 noon, the applicant who is the cousin of the informant and other accused went to the field of the informant armed with sticks. They assaulted the applicant. Accused Saamsingh Vasave set the hut of the informant on fire. Since it was a thatched hut immediately it caught fire. On these allegations FIR came to be lodged on 29.05.2021 under Section 436, 143, 448, 147, 429, 427 504, 506 of the I.P.C.

3. Heard Shri Jain learned counsel for the applicant and Shri Ghayal learned APP for the State.

4. Shri Jain submitted that there is delay of seven days in lodging the FIR. He submits that a cross case has been registered against the applicant on account of a property dispute pending before the Civil Court. He submits that applicant is not the person who has set the hut on fire.

5. Learned APP Shri Ghayal submits that offence is serious in nature. Due to old enmity this incident has taken place. Applicant has criminal antecedents. One crime is registered against him under Section 324 and 447 of the I.P.C. with Molgi Police Station, Nandurbar. Therefore, he should not be released on bail.

6. Admittedly, FIR has been filed after a delay of seven days. Applicant is not the person who set the hut of the informant on fire. Having regard to this, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

I) Application is allowed.

II) Applicant be released on PR bond of Rs.15,000/- with one solvent surety in the like amount, in connection with Crime No.225 of

(3)

901 ba 713.21

2021 under Section 436, 143, 448, 147, 429, 427, 504, 506 of the
I.P.C. registered with Molgi Police Station, Nandurbar.

[M.G. SEWLIKAR, J.]