

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Anticipatory Bail Application No. 785 / 2021

with

Criminal Application No. 1594 / 2021

in

Anticipatory Bail Application No. 785 / 2021

Nelson Apparao Kamble and Others

.. Applicants

Versus.

The State of Maharashtra

.. Respondent

Adv. A.N. Ansari, Advocate for the Applicants.

Adv. N.S. Ghanekar for Applicant (Assist to APP).

Mrs. D.S. Jape, APP for State/Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : 28th JULY, 2021.

[Through Video Conference]

Per Court : -

Heard.

1. Complainant is a Priest of Church of North India Trust. Trust owns a property bearing CTS No. 2667. It is a registered trust.

Complainant alleged, on 8th May, 2021, Applicants illegally entered and took over the possession of trust property, raised the construction and sold part of the property to third person. On a report by Priest, Crime No. 401/2021 was registered with Sadar Bazar Police Station, Jalna under Sections 143, 452, 447 of the Indian Penal Code, 1860. Applicants are apprehending arrest in this crime.

2. Accusations, even if are held to be correct, but prima-facie may not constitute offence of House-trespass under Section 442 of IPC.

3. Offence of criminal trespass is punishable with imprisonment of either description for a term, which may extend to three months, although, it is cognizable but bailable.

4. In consideration of the facts of the case, in my view, the custodial interrogation of the applicants is not required. Application is allowed in the following terms.

ORDER

(i) In the event of arrest of the applicants, they shall be released on bail on executing P.R. Bond in the sum of Rs.10,000/- each, with one or more sureties in the like amount;

- (ii) The applicants shall furnish their residential address as well as permanent address and contact details to the Investigating Officer forthwith;
- (iii) The applicants shall report to the Investigating Officer as and when called by the Investigating Officer;
- (iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

5. Application and Interim Application therein, are disposed of.

6. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)

Najeeb...