

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

ANTICIPATORY BAIL APPLICATION NO. 866 OF 2021

1. Pralhad Yeduba Pungle
Age : 62 years, Occu. Agri & Business,

2. Lakshman Pralhad Pungle,
Age : 32 years, Occu. Agri & Business,

Both Applicant nos. 1 & 2 - R/o. Rajur,
Tq. Bhokardan, Dist. Jalna.

3. Tarabai w/o Uttamrao Thombre,
Age : 45 years, Occu. Household

4. Babasaheb s/o Uttamrao Thombre,
Age : 32 years, Occu. Agri.

Both Applicant nos. 3 & 4 - R/o. Chandai Thombre,
Tq. Bhokardan, Dist. Jalna.

5. Babasaheb s/o Sarjerao Fuke,
Age : 30 years, Occu. Agri.

6. Gambhir s/o Sarjerao Fuke,
Age : 35 years, Occu. Agri.

Both Applicant nos. 5 & 6 - R/o. Vajirkheda,
Tq. Bhokardan, Dist. Jalna.

7. Gajanan s/o Trimbak Ingale,
Age : 35 years, Occu. Agri.

8. Babasaheb s/o Damu Ingle,
Age : 39 years, Occu. Agri.

Both Applicant nos. 7 & 8 – R/o. Sirgao Ingle,
Tq. Bhokardan, Dist. Jalna.

...Applicants

Versus

The State of Maharashtra

...Respondent

.....
Mr. Pratik A. Bhosle, Advocate for the applicants
Mr. S. B. Narwade, APP for respondent sole.
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CORAM : V. G. BISHT, J.

DATE OF RESERVING THE ORDER : 13th August, 2021
DATE OF PRONOUNCING THE ORDER : 18th 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. 0099 of 2021, registered with Hasnabad Police Station, District Jalna, for the offences punishable under Sections 143, 379, 427, 452, 504 and 506 of the Indian Penal Code.

2. On 06.07.2021, the informant came to know at about 04:00 pm that Pralhad Yeduba Pungle (Applicant no.1), Laxman Pralhad Pungle (Applicant no.2) and others are demolishing the construction work of his second floor of the house. Accordingly, he visited construction site and found all the applicants had demolished the walls of the ground floor and also of the second floor and thereby

caused damage in the sum of Rs. 60,000/-. It is further alleged, that all the applicants also broke open the lock of shutter and damaged Televisions, cash counter, chairs and burnt old bills kept in the cash counter. It is further alleged, that applicant no. 2 along with Akash Fuke and applicant nos. 1, 3 & 5 also took away six sacks (gunny bags) of ankerbolts worth Rs. 75,000/-.

3. Mr. Pratik A. Bhosle, learned Counsel for the applicants, invited my attention to sale deed and contended that since applicant no. 3 and her husband have purchased the land in the neighbourhood of the informant, the father of the informant along with other persons is harassing the applicants and creating obstruction in her possession of the said plot. Even the complaint to that effect was made to Inspector General of Police. According to learned Counsel, because of the filing of the said complaint, the applicants have been falsely roped in in the present FIR. So also, there is delay of 24 hours in lodging the FIR. For all these reasons, the application may be allowed, urged learned Counsel.

4. Mr. S. B. Narwade, learned APP for State, on the other hand, invited my attention to the spot panchanama showing the

damage caused to the property of the informant. Learned APP then submitted that, neighbours have also supported the case of the prosecution. The antecedents of the applicants are also not good and various crimes have been registered against them. Therefore, there being no merit in the application, same may be rejected, argued learned APP.

5. On going through the record, it does appear that the applicant no. 3 and her husband have purchased the land in the neighbourhood of the informant. It is also seen that the complaint dated 16.06.2021 was forwarded to the Special Inspector General of Police against the present informant and others. It is only after forwarding the said complaint, the incident alleged took place and the FIR came to be lodged. Although the incident took place on 06.07.2021 at about 04:00 p.m., the FIR came to be lodged on 07.07.2021 at about 04:25 p.m. i.e. after 24 hours. The delay so caused is not explained.

6. Similarly, merely because some criminal cases are pending against applicants, that by itself cannot be the basis for refusal of prayer for pre-arrest bail, if otherwise applicants are entitled.

7. In view of the above, I am inclined to allow the present application. Hence, the following order.

ORDER

- i. In the event of arrest of the applicants herein in connection with Crime No. 0099 of 2021, registered with Hasnabad Police Station, District Jalna, for the offences punishable under Sections 143, 379, 427, 452, 504 and 506 of the Indian Penal Code, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.25,000/- [Rs. Twenty Five thousand only] each, with one or two solvent sureties in the like amount.
 - ii. The applicants shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
 - iii. The applicants shall not tamper with the prosecution evidence in any manner.
8. Criminal Application No. 866 of 2021 stands disposed of in the aforesaid terms.

[V. G. BISHT]
JUDGE