

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
931 ANTICIPATORY BAIL APPLICATION NO.1334 OF 2021
HEMANT JAYWANT YEOLE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Narendra D. Sonavane
APP for Respondents: Mr. V.S. Badakh.
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CORAM : PRAKASH D. NAIK J.
DATE : 23rd NOVEMBER, 2021.

PER COURT:

- 1] The applicant is apprehending arrest in Crime No. 211 of 2021 registered with Jalgaon Taluka Police Station, Dist. Jalgaon for offence under sections 427, 452, 504, 506 r/w. 34 of IPC.
- 2] The applicant had preferred application for anticipatory bail before the court of sessions, which has been rejected by order dated 26.10.2021.
- 3] The complainant is the Director of Jalgaon Zilla Maratha Vidya Prasarak Sanstha, Jalgaon. He made various complaints about the illegal acts of the society. He was pressurized by one Nilesh Bhoite. on 15.7.2021, the accused trespassed into the house of the complainant, pelted stones and caused damage to the residential premises and the vehicles. The learned counsel for the applicant submitted that except Section 452 of IPC, other offences are bailable. it is submitted that Section 452 is not applicable in this case. There are no criminal antecedents against the applicant.
- 4] The learned APP submitted that there are eye witnesses to the incident. The spot panchanama which is recorded indicates the entry of accused and damage caused to premises and vehicles parked therein. Involvement of the applicant is fortified by the evidence on record. He had participated in the crime alongwith co-accused who are having criminal antecedents. Section 452 is clearly applicable in this case.

5] The learned counsel for the complainant Mrs. Rashmi Kulkarni was also heard. She submitted that the complainant was threatened repeatedly by the accused. Accused were acting under the instructions of Nilesh Bhoite. Section 452 is very much applicable from the tenor of the FIR. The evidence discloses that the accused had jumped over the compound wall and entered the vicinity of premises of the complainant and pelted stones.

6] I have perused the FIR and other documents. The submission of learned APP and learned counsel for the complainant that Section 452 is applicable in this case cannot be rejected at this stage. Prima facie, it is apparent from the FIR that the accused had jumped upon the compound wall of the premises of the complainant and by entering within the precincts of the premises committed offence. The applications preferred by co-accused were allowed to be withdrawn, since this court was not inclined to grant relief to them. They had criminal antecedents. However, considering the fact that there are no criminal antecedents against applicant, relief can be granted to him. Hence, I pass following order .

ORDER

i] ABA No. 1334 of 2021 is allowed.

ii] In the event of arrest of the applicants in Crime No. 211 of 2021 registered with Taluka Police Station, District Jalgaon, the applicant be released on furnishing PR bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

iii] The applicant shall appear before the I.O. on 2nd, 3rd and 4th December, 2021 between 11.00 a.m. to 1.00 p.m. and thereafter till filing of charge sheet.

iv] The application stands disposed of.

[PRAKASH D. NAIK]
JUDGE