

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 866 OF 2021

1. Krishna Dinkar Pawar
2. Vishwas Shamrao Pawar
3. Mahendra Mahadev Pawar Applicants

Versus

The State of Maharashtra Respondent

Mr. Umesh H. Pawar for Applicants.

Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 25th MARCH, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 23 of 2019 registered at Islampur Police Station, Sangli, on 12/01/2019, under sections 436, 427 and 451 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Umesh Pawar, learned counsel for the applicants and Smt. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is

lodged by one Vikas Kadam who was working as Section Officer with M/s. Y. M. Krushna Co-operative Sugar factory, at Retareharnaksh. He has stated that, on 12/01/2019, at about 7:30p.m. a clerk from his office namely Sadashiv Pawar told him that, in the night somebody had set their office on fire and the fire was still raging. Therefore, the informant went there. He saw that locks of the shutter were broken. The lock of the office was also broken. Some unknown person had gone inside and had set everything on fire. In the incident, articles and documents regarding sugarcane crop and other important files, electric fittings, fans, computers etc. were totally burnt. It is mentioned in the F.I.R. that some video clipping had gone viral. The informant made inquiries with his clerk Sadashiv, that time, names of the present applicants transpired. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicants submitted that the applicants had property adjacent to the said office and, therefore, it was unthinkable that he would commit such offence which would endanger his own property. Names of the applicants are not properly mentioned in the F.I.R. The entire material does not travel

beyond suspicion.

5. Learned APP, on instructions, has submitted that, there are no eye witnesses to the incident. The main evidence apparently was the video clipping, however, neither the first informant nor anybody else has submitted that video clipping before the investigating agency and, therefore, it was not possible to verify the claim made in the F.I.R. Statement of Sadashiv also is based on the video clipping but he has also not produced such clipping.

6. I have considered these submissions. As fairly submitted by learned APP, there is hardly any material against the present applicants. There are no eye witnesses and the video clipping which was an important piece of evidence is not collected by the investigating agency or it could not be collected by the investigating agency. Therefore, at this stage, there is hardly any material against the present applicants except suspicion expressed by the first informant and Sadashiv in their respective statements. In this view of the matter, taking into account that the incident had occurred in January 2019, at this stage, custodial interrogation of the applicants is not necessary. They can be protected by an order

of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 23 of 2019 registered at Islampur Police Station, Sangli, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station, as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)