

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

ANTICIPATORY BAIL APPLICATION NO.244 OF 2022

Ramesh S/o Pralhadrao Chaukhat @ Chokhat

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENTS

...
Mr.G.K. Naik-Thigle Advocate for Applicant.
Mr.B.V. Virdhe, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 31st MARCH, 2022

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No. 39 of 2022 registered with Hatta Police Station, District-Hingoli for the offence punishable under Sections 143, 149, 384, 341, 447, 448, 452, 427, 323, 504, 506 of the Indian Penal Code.

2. Heard learned Advocate Mr. Naik-Thigle for the applicant and learned APP Mr. Virdhe for the respondent – State. In order

to cut-short, it can be stated that both the sides have made submissions in support of their respective contentions.

3. Perusal of the First Information Report as well as the documents produced on record shows that certain part of the land which was originally belonging to the predecessor of the informant was acquired by the Government and was given to the Market Committee. Thereafter there appears to be another transaction by the original owner selling the land to one Ratanji Mauji Joshi. It appears to be a fact that the present applicant had filed civil suit contending that no land in the said Gat Number belonging to the informant could have been left. This Court may not go into all those details, but much concerned what happened on 3rd February 2022. According to the informant, around 12 persons including the present applicant went on the spot i.e. Gat No.146 and the present applicant had threatened, caused damage to the bars of wire fencing and a tin-shed and then the applicant had assaulted the nephew of the informant by kicks and fists.

4. Perusal of the documents produced by the applicant would show that there is litigation and also civil suit recently filed by

the Secretary of Agricultural Produce Market Committee, Jawla Bazar for permanent injunction. Whatever act appears to have been done is for the institution. Though the common object is stated to be there, it cannot be against a particular person or even if it is against the informant, yet, the Market Committee was claiming interest in the land. Now that right is subjudice before the Civil Court. Under such circumstances, the custodial interrogation of the applicant is not required. This Court had granted interim protection to the applicant by order dated 10th March 2022, which deserves to be confirmed. Accordingly, following order is passed:

ORDER

- i) Application stands allowed.
- ii) The interim protection granted to the applicant by this Court by order dated 10th March 2022 stands confirmed. It is thus clarified that in the event of arrest of applicant – Ramesh S/o Pralhadrao Chaukhat @ Chokhat in connection with Crime No.39 of 2022 registered with Hatta Police Station, District-Hingoli, for the offence punishable under Sections 143, 149, 384,

341, 447, 448, 452, 427, 323, 504, 506 of the Indian Penal Code, he be released on bail on PR Bond of Rs.30,000/- (Rupees Thirty Thousand) with two solvent sureties of Rs.15,000/- (Fifteen Thousand) each, if already not released.

iii) The applicant shall attend Hatta Police Station on every Monday between 10.00 am. to 12.00 noon till filing of the charge-sheet and co-operate with the investigation.

iv) Applicant shall not tamper with the evidence of the prosecution in any manner.

[SMT. VIBHA KANKANWADI , J.]