

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.318 OF 2022

SOMNATH S/O ARJUN SHINDE
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. M. P. Kale
APP for Respondent-State : Mr. B. V. Virdhe
.....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 05-04-2022

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.98 of 2022, dated 10-02-2022, registered with Shrigonda Police Station, Taluka Shrigonda District Ahmednagar, for the offence punishable under Section 436, 507 of Indian Penal Code.
2. Heard learned Advocate Mr. M. P. Kale for applicant and learned APP Mr. B. V. Virdhe for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.
3. Perusal of the FIR lodged by one Suresh Khandu Kaygude would show that it is in respect of the incident alleged to have taken place

the earlier day. It also appears from the FIR itself that the informant had purchased 60 R land out of Gut No.168/2 situated at Kautha vicinity, Shipalkar Wadi, Taluka Shrigonda, in the year 2019 from one Appasaheb Arjun Shinde. He had dug the well and he had erected a temporary shed made up of the grass and mud for keeping the agricultural implements. He states that thereafter he had come to know that the 60 R land which was given in his possession from said Gut No.168/2 actually stands in the name of present applicant, and therefore, he filed R.C.S.No.45 of 2022. Temporary injunction has been granted against the present applicant. On 09-02-2022 the applicant abused and threatened the informant's son. Thereafter, at about 07.30 a.m. informant and his son had gone to the field on 10-02-2022. At that time he saw that the temporary hut erected in his field was put to fire and the neighbouring land holders by name Chandrakant Sitaram Shipalkar and the nephew of the informant by name Sanjay Changdeo Kaygude told that in their presence at about 08.30 p.m. on 09-02-2022 the temporary hut was put to fire.

4. Thus, it is to be noted that the informant is not the eye-witness to the incident. He has filed civil suit when he came to know that the land which was allegedly given in his possession stands in

the name of applicant. Simple question arises as to whether he had not made any inquiry before actually purchasing the land and how his vendor can be said to have had title as well as possession of the portion of the land admeasuring 60 R to be given in possession of the informant. No doubt, the sale deed makes a statement that the possession has been given, however that is subjected to the scrutiny by the Civil Court. Informant is relying on the information supplied by Chandrakant Shipalkar and Sanjay Kaygude. Statement of both these witnesses have been recorded and then they says that they had seen in the light of flames after the hut was put to fire that person was the applicant. They then says that thereafter the applicant left the spot. Both these witnesses are not explaining as to why they had not tried to resist the applicant from committing any such crime. Another fact is that they had allegedly seen the applicant setting the hut to fire at about 08.30 p.m. on 09-02-2022. Informant says that he visited his field around 07.30 a.m on 10-10-2022. If the contention of the informant is accepted, then why these two persons had kept quiet, is a question. Therefore, taking into consideration the fact that there appears to be enmity and nothing is to be recovered at the instance of the applicant, the interim protection granted to him deserve to be confirmed,

accordingly it is confirmed. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) The interim protection granted by this Court on 21-03-2022 to the present applicant is hereby confirmed. In other words, in the event of arrest of applicant Somnath Arjun Shinde, in connection with Crime No.98 of 2022, registered with Shrigonda Police Station, District Ahmednagar, for the offences punishable under Section 436, 507 of IPC, he be released on P.R.Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each.
- 3) The applicant to attend the concerned Police Station on every Monday between 10.00 a.m. to 02.00 p.m., till filing of charge-sheet.
- 4) He shall not try to commit any offence and shall not try to tamper with the evidence of the prosecution in any manner.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.