

(1)

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

ANTICIPATORY BAIL APPLICATION NO.920 OF 2022

AAKASH RAJU PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Salunke Sudarshan J
APP for Respondent/State : Mr. K.S. Patil
...

CORAM : S.G. MEHARE, J.

DATED : 28th JULY, 2022

PER COURT:-

1. Heard learned counsel for the applicants and the learned APP for the State.
2. The applicants have come with a case that false allegations have been levelled against them. There is inordinate delay in lodging the FIR. The applicant no.2 is the member of Village Panchayat. The complainant has enmity with applicant no.2. The father of applicant no.2 has purchased the property which the complainant was intending to purchase, hence he was angry. The prosecution has no explanation for the delay in lodging the FIR. The prosecution has also no explanation about the defunct of the pipeline. Therefore, they may be released on bail.
3. Learned APP has strongly opposed the application. He has contended that there are two eye witnesses to the incident.

4. This Court has gone through those statements. However, the statements does not reveal that they were eye witnesses to the incident. The material collected by the Investigation Officer shows that the pipes were removed by the applicants from 15.05.2022 to 14.06.2022. That means, the pipes were not removed in one day or in one night. The pipes were laid in the land. It has been alleged that for removing pipes, the tractors have been used.

5. Considering the investigation papers and the defence of the applicants, this Court is of the view that there are elements of political rivalry. There is absolutely no progress in the investigation from the date of granting the interim protection to the applicants. For all these reasons, the application deserves to be allowed. Hence, the following order :

ORDER

- I) The application is allowed.
- II) Interim protection granted to the applicant by order dated 14.07.2022 is confirmed on the same terms of bail bonds.

(S.G. MEHARE, J.)