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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 556 OF 2022**

Rahul Bhimashankar Anandkar	.. Appellant
Versus	
State of Maharashtra and Anr.	.. Respondents

WITH
CRIMINAL APPEAL NO. 551 OF 2022

Shriniwas Mahadev Anandkar	.. Appellant
Versus	
State of Maharashtra and Anr.	.. Respondents

Mr. V.V. Purwant for Appellant
Mr. S. S. Hulke, APP for State
Mr. Sagar Rane, Appointed Advocate for Respondent No.2

**CORAM : A. S. GADKARI &
MILIND N. JADHAV, JJ.**

DATE : 23rd September, 2022.

P.C.:

. Heard learned counsel for the respective parties.

2. Perused record of investigation.

By a reasoned Order dated 13.06.2022, Appellant has been granted interim relief by this Court. Record indicates that, there is a dispute over immovable property / landed property between the Appellants and their mother on the one hand and the uncle of Appellants namely Arjun Laxman Anandkar on the other hand. That, the mother of Appellants had earlier submitted a complaint with

Mandrup Police Station, Taluka and District-Solapur dated 04.01.2021 against Arjun Laxman Anandkar and his son Raju Anandkar pertaining to illegal excavation of soil from the agricultural land which according to the Appellants came to their share. The informant herein is admittedly working with the uncle of Appellants namely Arjun Laxman Anandkar from past 10 years and was having her house at the said disputed plot of land.

3. It is alleged that, on 21.04.2022 at about 3:00 p.m., the Appellants alongwith other persons came to the said agricultural field for measurement of the said land and the present incident in question thereafter occurred at about 5:00 p.m. As noted earlier, admittedly there is a long standing dispute over the landed property between Appellants on one side and their uncle namely Arjun Laxman Anandkar on the other side. It *prima facie* appears that, the informant herein namely Gaurabai S. Kamble might have been put forward by the said Arjun L. Anandkar to lodge the present crime against Appellants. The said probability at this juncture cannot be ruled out. Record further indicates that, the investigation of the present crime is on the verge of completion.

4. Learned APP on instructions submitted that, in pursuance of Order dated 13.06.2022 the Appellants have attended the Investigating Officer of the concerned Police Station on the stipulated dates mentioned therein and have cooperated in the process of

investigation.

5. Taking into consideration overall view of the matter, we are of the opinion that, the custodial interrogation of the Appellants for further investigation of the present crime is not necessary and they can be protected by pre-arrest bail.

6. In view of the above, interim relief granted by Order dated 13.06.2022 is hereby confirmed.

Impugned Orders dated 17.05.2022 passed below Exhibit-1 in Criminal Bail Application No. 623 of 2022 and Criminal Bail Application No. 615 of 2022 are hereby set aside and Appeals are allowed in the aforesaid terms.

[MILIND N. JADHAV, J.]

[A. S. GADKARI, J.]