

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.123 OF 2022

Dilip Shankar Jadhav and Others ...Applicants

vs.

The State of Maharashtra ...Respondent

Mr. Sagar Tilak i/b. Mr. Sachin Hande, for the Applicants

Mr. Prasad Avhad, for the Intervener.

Mr. Y.Y. Dabake, APP, for the State.

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CORAM : **N. J. JAMADAR, J.**

DATE : **JULY 05, 2022**

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with C.R. No. 630 of 2021 registered with Jath police station, Sangli for the offence punishable under section 379 read with 34 of Indian Penal Code, 1860.

3. The first informant Rukmini Chavan is the mother of the applicant No. 2 Nanda Jadhav. The applicant No. 1 Dilip Jadhav is the husband of applicant No. 2. Applicant No. 3 Pravin Jadhav is the son of applicant Nos. 1 and 2.

4. The indictment against the applicant is that on 23rd November, 2021 the applicants removed sugarcane crop from the field of the first informant i.e. Gut No. 111 of village Bagewadi. The said sugarcane was cut and transported in a tractor by the

applicant No. 4.

5. The applicants have preferred this application with the assertion that the sugarcane was not cut from the first informant's field. In fact, the first informant had already sold her sugarcane to Rajaram Bapu Patil Sahakari Sakhar Karkhana.

6. Having regard to the relations between the parties, by an order dated 24th January, 2022 the learned counsel for the applicants was directed to take instructions as to in what manner the applicant intend to resolve the dispute with the first informant, who is the mother of applicant No. 2 Nanda.

7. Today, the learned counsel for the applicants and first informant make a statement that, without prejudice to the rights and contentions, the parties have resolved that the applicant Nos. 1 and 2 would pay a sum of Rs. 50,000/- to the first informant Rukmini, within a period of two weeks from today.

8. The statement made on behalf of the applicants is accepted.

9. Even, otherwise having regard to the nature of the allegations and relationship between the parties, custodial interrogation of the applicants, does not seem to be warranted. The possibility of fleeing away from justice also seems to be remote. Hence, I am inclined to allow the application.

Thus, the following order:-

ORDER

(i) Subject to payment of Rs. 50,000/- by the applicant Nos. 1 and 2 to the first informant Rukmini alias Rakmabai Maruti Chavhan within a period of two weeks from today, in the event of the arrest, CR No. 630 of 2021 the applicants Dilip Shankar Jadhav, Nanda Dilip Jadhav, Pravin Dilip Jadhav and Shahaji Laxman Pawar be released on executing a PR Bond in the sum of Rs.15,000/- each and one or two sureties in the like amount.

(ii) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

(iii) The applicants shall cooperate with the investigation and report to the Investigating Officer as and when directed.

(iv) Application disposed. To be listed for reporting compliance, as regards payment, on 20th July, 2022.

(N. J. JAMADAR, J.)