

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2471 OF 2021

Lalita Sandip Shinde and Anr. ..Applicants

V/s.

The State of Maharashtra ..Respondent

**SNEHA
NITIN
CHAVAN**

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Mr. Girish Agarwal for the Applicants.

Mr. R.M. Pethe, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

**DATE : 11 JANUARY 2022
(Through Video Conferencing)**

P.C.

1. By this application, the Applicants apprehending their arrest in connection with investigation of Crime No. 839 of 2021 of police station Trambakeshwar, Dist. Nashik (Rural) under Section 295, 297, 298, 452, 504, 506 read with Section 34 of IPC and Section 51 of the Disaster Management Act, 2005 are seeking anticipatory bail.

2. I have heard the learned counsel for the Applicants and the learned APP. Perused record. It appears that the learned Sessions Judge while rejecting the application had granted extension of the interim protection from arrest and which has been continued by this court.

3. The prosecution case as per the complaint lodged by Satyapriy Dnyaneshwar Shukl on 09.09.2021 is that on 07.09.2021 when the informant was performing Pooja in the sanctum sanctorum of the temple, the Applicant No.2 Kailash Deshmukh came there and had an altercation with the informant, threatening him with life and abusing him. The informant intimated about the incident to the Trustees and the Manager Mr. Amit Tokekar when it is alleged that the Applicant No.1 came and accosted the informant and threatened him and used abusive words. On the basis of such a complaint, the offence came to be registered, which is under investigation.

4. The learned counsel for the Applicants states that at present the worship and rituals in Devasthan are being carried out peacefully and the custody of the Applicants is not required looking to the nature of the allegations. The learned counsel for the Applicants states that the mobile phone in which the video recording is made, has been handed over to the Investigating Officer.

5. The learned APP in all fairness submitted that the unfortunate dispute is on account of certain happenings in Devasthan and it is in the interest of beneficiaries and trustees of the Trust that the parties maintain peace.

6. Considering the over all circumstances, I do find that the custodial interrogation of the Applicants may not be necessary.

7. Hence, the following order.

i) In the event of their arrest, in connection with the investigation of Crime No. 839 of 2021 of Trambakeshwar Police Station, Dist. Nashik, the applicants be released on bail on executing a PR Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

ii) The applicants shall make themselves available to the Investigating Officer for investigation as and when required.

iii) The applicants shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) The applicants shall not interfere in the working of the Trust and the worship and the rituals followed except as per the religious, custom, usage and tradition and shall ensure that peace is maintained.

v) In the event of breach of any of the conditions, the bail is liable to be cancelled.

vi) The criminal application is disposed of accordingly.

(C.V. BHADANG, J.)