

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 420 OF 2022

Ramesh Shriramji Bele and another **Versus** State of Maharashtra, through P.S.O., P.S. Morshi, Amravati.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.R.Agrawal, Advocate for the applicants.

Shri V.A. Thakre, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 04/07/2022

1. The applicants are seeking pre-arrest bail in Crime No. 267 of 2022, registered with Police Station Morshi, District Amravati, for the offences punishable under Sections 326, 324, 307, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. The learned counsel for the applicant submits that the present FIR is the outcome of the dispute which was going on between the applicants and the complainant, in relation to an agricultural field.

3. He submits that though an application for issuance of warrant of possession filed by the complainant is pending before the Executing Court, he tried to take forcible possession of the agricultural field in dispute and that was the reason the alleged incident had taken place.

4. He submits that it can be seen from the fact that the applicant No.1 is 75 years of age and the overtact attributed to him is thus improbable, which further creates doubt about veracity of the allegations made in the FIR.

5. He further points out that the applicants attended the Police Station and nothing remained to be recovered from the applicants. As such, further custodial interrogation is not necessary. In the circumstances, he prays for grant of pre-arrest bail.

6. On the other hand, Shri V.A. Thakre, learned APP strongly opposes the present application and submits that the material collected during the investigation show the involvement of the applicants in the alleged offence. Accordingly, he prays for rejection of the present application.

7. I have perused the Case Diary and also the contents of the First Information Report.

8. The applicant No.1 is 75 years of age. Considering the allegations made in the FIR against the applicant No.1, *prima-facie* it appears improbable and creates doubt about veracity of the allegations made in the FIR. Further considering the injury caused to the complainant and the fact that the applicants attended the Police Station and there is no complaint about misused of liberty, I am of the opinion that the applicants should be

released on bail by putting stringent conditions.
Accordingly, I pass the following order :

- i) The application is allowed.
- ii) The ad-interim anticipatory bail granted by this Court on 21/06/2022 is confirmed.
- iii) The applicant No.2 shall not enter the territorial jurisdiction of Morshi, till filing of the charge-sheet.

The application stands **disposed of** accordingly.

[ANIL S. KILOR, J.]