

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

CRIMINAL APPLICATION (ABA) NO. 453 OF 2022

Vilas Balwant Bhagat **Versus** State of Maharashtra, thr. PSO, PS. Wadgaon Jungle Tq.
 Dist. Yavatmal.

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

Court's or Judge's Order

Ms P.M. Mane, Advocate for the applicants.

Shri T.A. Mirza, A.P.P. for the non-applicant No.1/State.

Shri V.D. Darne, Advocate for Assist to Prosecution for the non-applicant No.2.

CORAM : ANIL S. KILOR, J.

DATED : 12/07/2022.

1. The applicant is seeking pre-arrest bail in connection with Crime No. 129 of 2022, registered with Police Station, Wadgaon (Jungle), Tah. & Dist. Yavatmal, for the offences punishable under Sections 294, 435, 452, 307 read with Section 34 of the Indian Penal Code, 1860.

2. Ms P.M. Mane, learned counsel for the applicants submits that the applicant has been falsely implicated in the alleged offence. She submits that although the spot of incident is different, however, to harass the applicant different spot of incident has been shown.

3. It is further submitted that, the complainant is an influential person and he belongs to political party, therefore, even the Police do not take any cognizance of complaint, if any, made by the applicant.

4. It is pointed out that, on the fateful day, the complainant tried to take forcible possession of the agricultural field of the applicant, therefore the alleged incident took place.

5. On the other hand, learned APP strongly opposes the present application and submits that there is a video recording of the incident which is sufficient to show the involvement of the applicant in the alleged offence.

6. He further submits that investigating officer has collected the incriminating material against the applicant during the investigation and as such he prays for rejection of the present application.

7. Shri V.D. Darne, learned counsel for assisting the prosecution on behalf of the non-applicant No.2 reiterates the submission of the learned APP and prays for rejection of the present application.

8. I have perused the Case diary, Application and the Reply for the State.

9. On perusal of case-diary it can be seen that, some photographs are there from which, it can be seen that the applicant is pouring petrol on the tractor and another photographs show that the applicant set the tractor ablazed.

10. Moreover, the statements of witnesses support the prosecution case. Thus, in view of the fact that *prima-facie* incriminating material is available against the applicant

and further considering the criminal antecedents of the applicant, I am of the opinion that this is not a fit case for grant of pre-arrest bail. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]